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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X
UNITED STATES OF AMERICA, : 09-CR-466(BMC)
:
:
-against- : United States Courthouse
:
:
JOAQUIN GUZMAN LOERA, : Thursday, January 31, 2019
:
Defendant. : 9:30 a.m.
:
- - - - -X

TRANSCRIPT OF CRIMINAL CAUSE FOR JURY TRIAL
BEFORE THE HONORABLE BRIAN M. COGAN
UNITED STATES DISTRICT JUDGE

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A P P E A R A N C E S: (Continued.)

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1 (In open court.)

2 (Defendant present in open court.)

3 COURTROOM DEPUTY: All rise. The United States
4 District Court for the Eastern District of New York is now in
5 session. The Honorable Brian M. Cogan is now presiding.

6 (Honorable Brian M. Cogan takes the bench.)

7 COURTROOM DEPUTY: Calling criminal cause for jury
8 trial in Docket No. 09-CR-466, *United States of America*
9 *against Joaquin Guzman Loera*.

10 Counsel, please note your appearances for the
11 record.

12 MS. GOLDBARG: For the United States of America,
13 Assistant United States Attorney Andrea Goldberg.

14 Good morning, your Honor.

15 MR. BALAREZO: A. Eduardo Balarezo for Joaquin Guzman
16 Loera.

17 Good morning, your Honor.

18 COURTROOM DEPUTY: All rise.

19 THE COURT: Good morning have a seat, please.

20 Before I bring the jury we have to settle the Friday
21 issue. The reason we have to settle it is we're going to
22 confront it for sure at some point because we're not going to
23 get everything done today. But more than that, the jurors are
24 raising questions this morning saying that if they're going to
25 sit tomorrow, they have to make arrangements for that and they

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1 need time to do that. I'm going to recommend that we stick to
2 our original plan and not make them come in tomorrow and have
3 them come in Monday.

4 Anybody have a problem with that?

5 MR. PURPURA: Defense agrees, your Honor. Thank
6 you.

7 MS. PARLOVECCHIO: That's fine, your Honor.

8 THE COURT: Okay. That's what we're going to do.

9 No one stand yet because the jury is not in the hall
10 yet but let's line them up.

11 Is there anything else that we need to address?
12 Okay.

13 (A brief pause in the proceedings was held.)

14 COURTROOM DEPUTY: Jury entering.

15 (Jury enters courtroom at 9:34 a.m.)

16 THE COURT: All right, everyone, be seated. Go
17 ladies and gentlemen.

18 THE JURY: (Collectively) Good morning.

19 THE COURT: First thing to tell you we will not be
20 sitting tomorrow as is usually the case. So we will resume on
21 Monday either to finish closing arguments or instructions,
22 more likely, or to start the deliberations. So today will be
23 our last day this week.

24 All right. Defendant's summations. Mr. Lichtman.

25 MR. LICHTMAN: Thank you, Judge.

Summation - Mr. Lichtman

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1 Good morning, everyone.

2 THE JURY: (Collectively) Good morning.

3 MR. LICHTMAN: I first want to thank you for your
4 patience and your hard work and concern about this case over
5 the last now been almost three months. This trial is the most
6 important thing in so many people's lives and the decision
7 that you make here will impact so many people, not just the
8 ones inside this courtroom, not just people even in this
9 country.

10 So it's important for me to tell you at the
11 beginning before I even start that on behalf of Mr. Guzman and
12 the entire defense team, we thank you because we know this is
13 not an easy job, and it's not the kind of job that anybody can
14 do, take time out of your lives and do what you did. So it
15 didn't go unnoticed your efforts here.

16 Now, I haven't spoken to you all directly since, I
17 guess, the middle of November and we've done a lot of
18 cross-examinations in the courtroom since this started. And
19 before I get into my argument about the facts, I want to take
20 the opportunity to apologize. If there's ever been a time
21 during the examination where you're like, Oh, my God, these
22 lawyers, I wish they'd shut up. They're so obnoxious, I wish
23 they'd stop asking the same question over and over. You know,
24 this isn't easy work, you know, it really isn't. I don't know
25 if you've noticed. But I want to apologize because we can be

Summation - Mr. Lichtman

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1 loud and abrasive at times. Mainly, I'm talking about myself,
2 I'm not talking about the two of them, they're not as bad as
3 me. I didn't mean to offend anyone, I just wanted to let you
4 know that I'm aware.

5 Now, this trial was filled with all sorts of
6 evidence in the case, but as I told you in the opening, it's
7 the cooperators, the cooperating witnesses that gave this case
8 life. That gave it breath. I sat here yesterday and listened
9 to the Government's summation in somewhat of a stupor.
10 Basically, Ms. Goldbarg spent six hours telling you that all
11 of the evidence that you heard was just solid facts, that's
12 how it came out to me. It's all solid facts and just connect
13 the dots and convict the bad man.

14 But they provided you 14 cooperators here and you
15 can't just act as if the cooperator, everything they're saying
16 is facts, and you go in and check the box off, Count One,
17 Count Two, Count 99. Let's go to the next charge.

18 And I thought for a second that maybe I'd stumbled
19 into the room courtroom and I was watching a summation from a
20 different trial because her summation, respectfully, her
21 argument, relied in large part on one argument: All of the
22 cooperators were telling God's truth to you. Just presuming.
23 You just have to presume it that they're telling you the
24 truth. Just presume it because we're the Government, and if
25 we tell you that they're telling truth, just presume it.

Summation - Mr. Lichtman

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1 So when you're thinking about the facts that I'm
2 talking about, it goes from A to B. If it's a cooperator
3 that's saying A to B, well, that's done; we've got that
4 covered. Just assume it's true.

5 But that's not what happened in the three months
6 that we've been together in this courtroom. Those witnesses
7 not only admitted to lying everything day of their lives.
8 Their miserable, selfish lives. But many lied while they were
9 cooperating. Many lied to you here in this courtroom when
10 they were under oath. And I didn't hear any of that in the
11 Government's six-hour summation, did you? Did they ever tell
12 you, Well, you know, we had some witnesses and they lied. You
13 didn't hear that. Six hours. That's a long I'm time I'm not
14 going to be anywhere near that so you guys can relax.

15 But you didn't hear a word about their credibility.
16 Just, you know, look at their demeanor. They're telling the
17 truth because we're the Government and, therefore, we always
18 tell the truth. They didn't talk about the problems with
19 their willingness to bribe prosecutors, judges, politicians,
20 law enforcement. Their rampant dishonesty, their perversion
21 of the legal system, not a word was mentioned in six hours and
22 I have to ask you this question; why do you think that none of
23 that came up in that six hours? You don't think that was
24 purposeful to ignore that? Because they expect you to ignore
25 all the problems with their case. They expect you to ignore

Summation - Mr. Lichtman

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1 the dishonesty of their witnesses and have blind faith in them
2 just for one purpose -- to get that bad man over there, that's
3 what they're telling you. Just ignore what you saw for three
4 months. Ignore the dishonesty. We're just going to pretend
5 it doesn't exist.

6 And I ask you what has blind faith in our government
7 ever done? People all live lives. We've had experiences.
8 Blind faith in our government has gotten us into a lot of
9 trouble over the years, hasn't it? It's not how you were
10 raised. It's not been your life experience to trust the
11 Government a hundred percent on anything they tell you. To
12 trust law enforcement blindly.

13 Is that how you were raised? Is that your life
14 experience? Just because they tell you that it's so, that's
15 it. Just give it up. To trust people that are life-long
16 liars and have lied in front of you in this courtroom as late
17 as a few days ago. Why wasn't that mentioned? Think about
18 that. You're smarter than that anyone should be smarter with
19 all respect.

20 We've all had life experiences to know that the
21 Government tells us something is so you have to examine it
22 before you're so quick to accept it. Listen to these tapes,
23 it's Mr. Guzman. Well, it's Mr. Guzman. Look at this
24 transcript that's rolling on the screen and it's got
25 Mr. Guzman's initials next to it, so that's obviously

Summation - Mr. Lichtman

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1 Mr. Guzman. Well, it's just the -- listen, it's Mr. Guzman.
2 It's English in what you're reading, of course, it's in
3 Spanish you don't know what with absolute certainty who
4 anybody is on that tape. Half the time the conversations are
5 being interpreted by someone who wasn't even a part of the
6 conversation.

7 Remember when Menin testified that Mr. Guzman was
8 around the fire and he burned some of his enemies and then
9 shot them in the head and buried them in a hole and said, "F
10 your mother," that was horrible. We heard that yesterday.
11 What's the evidence for that? Menin, anything else? Anything
12 else? They're talking about as if it it's like a *fait*
13 *accompli* as if it's over. Because their witnesses said it
14 and, therefore, it's a fact and, therefore, you should use it
15 to convict them. Let's just throw him out because of what
16 Menin said. Just a guy who was lied his entire life that
17 needs the Government in order for him to get out from under a
18 life sentence. Yeah, he has no motivation to lie. How about
19 we discuss the motivations of these witnesses to lie? Just
20 bring it up. The 600-pound gorilla sitting in the corner of
21 the room. The reasonable doubt. Come on, let's at least talk
22 about it. So before you start checking off those boxes --

23 I think my --

24 THE COURT: We're working on it.

25 MR. LICHTMAN: Before you start checking off those

Summation - Mr. Lichtman

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1 boxes on those charts, remember how the witnesses lied on the
2 stand. Remember how they lied their entire lives before being
3 cleaned up and displayed before you in this courtroom as if
4 they were as good as any of us, as if they were as good as any
5 of you. And try as they might to act as if the cooperator is
6 just a small part of this case much of their --

7 I think I'm loud enough without this judge. Any
8 chance?

9 THE COURT: The problem is overflow.

10 MR. LICHTMAN: Do we care about the overflow?

11 THE COURT: I'm afraid I must.

12 MR. LICHTMAN: The witnesses, the cooperators were
13 not a small part of the case as they might say. Much of the
14 physical evidence that you saw was very impressive. It was
15 all there -- guns, bricks, all sorts of stuff, but much of it
16 was interpreted by these witnesses. Much of it was put into
17 Mr. Guzman's hands by those witnesses. That's the truth that
18 you really have to acknowledge. All the calls that were
19 played the searches, the guns. If you don't believe the
20 cooperators who testified before you, you can't convict
21 Mr. Guzman. That's really the truth. All the tapes, as I
22 said, with his voice on them, it was the cooperators who
23 identified him, cooperators who put him where narcotics
24 trafficking occurred where drug deals were made.

25 Here is what you were given as evidence I'm going to

Summation - Mr. Lichtman

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1 give you some examples of this repulsive dishonest garbage at
2 times. I'm going to give you Alex Cifuentes who, apparently,
3 yesterday from the summation was beyond reproach. What he
4 said, boom, it's fact, check that box off.

5 Here is an actual testimony from this case.

6 "QUESTION: And part of being a drug dealer as we've
7 seen today is being a good liar; correct?"

8 "ANSWER: Yes, sir."

9 "QUESTION: You lied all the time, didn't you?"

10 "ANSWER: Yes, sir."

11 "QUESTION: You lied other to other drug dealers?"

12 "ANSWER: Yes, sir."

13 "QUESTION: You lied to your co-conspirators;
14 correct?"

15 "ANSWER: Yes, sir."

16 "QUESTION: You lied to your friends?"

17 "ANSWER: Yes, sir."

18 "QUESTION: You lied to law enforcement?"

19 "ANSWER: Yes, sir."

20 "QUESTION: You lied to immigration officials."

21 "ANSWER: Yes, sir."

22 "QUESTION: You like to prosecutors?"

23 "ANSWER: Yes, sir."

24 "QUESTION: You lied to lawyers?"

25 "ANSWER: Yes, sir."

Summation - Mr. Lichtman

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1 "QUESTION: You lied to your family?"

2 "ANSWER: Yes, sir."

3 "QUESTION: You lied to your siblings?"

4 "ANSWER: Yes, sir."

5 "QUESTION: You lied to your wife?"

6 "ANSWER: Yes, sir."

7 "QUESTION: Your girlfriends?"

8 "ANSWER: Yes, sir."

9 "QUESTION: And you didn't just lie about your
10 drug-dealing business, you lied about personal affairs
11 as well, isn't that true?"

12 "ANSWER: Yes, sir."

13 "QUESTION: You lied about Mr. Guzman?"

14 "ANSWER: No, sir."

15 "QUESTION: He's the only person you didn't lie
16 about?"

17 "ANSWER: That's right, sir."

18 Please. Who could believe that, that garbage.
19 They're just lying to your faces. Do they think you're
20 stupid, or they so arrogant they think they can say anything
21 and you're going to eat it up.

22 A house that's built on a rocky foundation won't
23 stand for long. You know the truth about these witnesses.
24 And then the Government telling you basically ignore it is a
25 dangerous game. Today we see the truth and cease to speak is

Summation - Mr. Lichtman

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1 the day that we begin to die. I'm not ready to keep my mouth
2 shut; I want to see the truth. I hope that you won't either.

3 Now, as I said in any opening statement, Mayo
4 Zambada is really the missing piece in this case, he's been
5 all over this case. Except there's one place he hasn't been
6 -- inside this courtroom. A drug dealer for 50-plus years in
7 Mexico. We've had his brother here. We've had his son. We
8 know he's got other kids that are cooperating with the
9 Government.

10 Mayo's words condemned Mr. Guzman in this case as
11 they were given to you by other cooperators. And it became
12 part of the proof against Mr. Guzman. It somehow Mayo, the
13 biggest narco trafficker for decades in Mexico has never been
14 arrested. He's a wanted here man here, too. \$5 million
15 bounty on his head. As I said in my opening that Mayo Zambada
16 was responsible for Mr. Guzman's plaque as Public Enemy No. 1
17 in Mexico, and by extension the United States, that I would
18 show that Mayo paid hundreds of millions of dollars in bribes
19 to remain free. I said that. And by paying those bribes, he
20 stayed out of the crosshairs of the Mexican government.
21 Mr. Guzman became the unlucky recipient of all that attention
22 from Mexican law enforcement since 1993.

23 Now, who is to say that it was Mr. Guzman and not
24 Mayo Zambada who paid for his freedom all the way up to the
25 president's office in Mexico. Who said that? Alex Cifuentes.

Summation - Mr. Lichtman

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1 He is the guy who lies every single day of his life to every
2 single person in his life except when he's talking about
3 Mr. Guzman. Do you believe everything out of his mouth, of
4 course you don't. Does it make any sense that Joaquin Guzman
5 paid a hundred million dollars in a bribe to a crooked
6 president of Mexico who, not surprisingly, is as crooked as
7 all the rest of the law enforcement, judges, politicians, and
8 police in Mexico that you heard about.

9 Mr. Guzman pays this bribe and gets hunted like an
10 animal. Is that even logical? But Mayo Zambada didn't make
11 the payments to the Mexican president and he somehow gets the
12 very bargain that Mr. Guzman is claiming to have paid for by
13 Alex with the bribe, namely, to be left alone. And Mayo was
14 left alone by Mexican authorities and as you learn from his
15 son, one of many Zambada's who the Government had on their
16 cooperators table and testified for the Government here,
17 Vicente Zambada.

18 The Americans had Mayo's phone number. He gave them
19 coordinates of where it was located of his hideouts. The
20 ability to let their fingers do the walking if they wanted to
21 call him and find him, but they didn't.

22 You heard testimony from Agent Victor Vasquez about
23 his lengthy and exhaustive manhunt for Mr. Guzman in 2014
24 across Sinaloa which took days and days this manhunt. You
25 heard him discuss his brief attempt to find Mayo Zambada.

Summation - Mr. Lichtman

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1 House after house, Vasquez and the Mexican Marines went to try
2 to flesh out Mr. Guzman. They lined up people in houses,
3 they're checking their Blackberries. They did a quick search
4 for Mayo Zambada. No one's home, bye. Mr. Guzman's profile
5 was raised so high that he became the ultimate target. The
6 one that Mexico and the United States had to have.

7 Now, the evidence shows here was that most of the
8 hunting, as I said, was for Mr. Guzman. And for decades
9 always for Mr. Guzman, always hunting him since the cardinal
10 was killed in 1993 until he ended up in this courtroom decades
11 later. Arrested over and over again, arrested for killing the
12 cardinal, which we heard that he had zero responsibility for.

13 Instead, we learned at most he was actually the
14 target of that murder or that, in fact, the cardinal may have
15 been called i killed because was a major critic of the corrupt
16 Mexican government. He was accidentally shot 14 times at
17 close range through a clear window.

18 Now, compare the image of the cardinal with a
19 younger Mr. Guzman and let me know if you think that that was
20 just a mere mistake that the two men got mixed up. Mr. Guzman
21 certainly knew that the Mexican justice and political system
22 were garbage filled with thieves and criminals. So he escaped
23 the prison that he was in where he landed on the false charges
24 heard. You learned how his life since the time of the
25 cardinal's murder was decades of jail, being hunted, never

Summation - Mr. Lichtman

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1 living freely or unmolested. But you know who for 20 years
2 has been free? More. 25 since then. Mayo Zambada.

3 The bigger Mr. Guzman's notoriety and his profile
4 and myth grew, the more he fell on him and away from Mayo
5 Zambada. Despite the fact that his brother Rey and sons
6 Vicente Serafin Mayito Gordo were captured and cooperated with
7 the Government. Serafin, as you heard Mayo's son, Vicente's
8 brother, cooperated and only received five and a half years in
9 prison. Five and a half years in prison due to his
10 cooperation and he's free among you now.

11 Just as Rey Zambada and Vicente Zambada was free
12 among you as well, too. They tell you that they may be
13 getting life but you know full well based on what happened
14 with Serafin, their nephew and brother, that he received a
15 joke of a low sentence. And that Rey and Vicente will be out
16 soon. That's their blueprint. It's not like they have to
17 guess what they're going to get. They see Serafin getting
18 five and a half years, what are they going to get? Life?
19 Does it make any sense? Of course, not. You don't think
20 they're watching that? Of course not. Despite the \$5 million
21 reward on Mayo's head despite the Government having sons and
22 brothers cooperators. Despite having the ability to contact
23 him on the phone whenever they want, Mayo remains free as a
24 bird. It's your job, you're the jury, it's your job to figure
25 out why.

Summation - Mr. Lichtman

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1 Again, the question is the hundred dollar million
2 dollar bribe that Alex Cifuentes claimed that Joaquin Guzman
3 paid the Mexican President Nieto exchange for hunting anymore.
4 That he could come out of the shadows. Do you remember that
5 testimony? Just for the payment.

6 Tell me, who do you think paid that bribe? The man
7 hunted like an animal for years, and even after the bribe was
8 supposedly paid; or the man who was free for decades, never
9 been arrested in either Mexico or the United States despite
10 his brother and children cooperating with authorities and
11 having nothing to do with Mr. Guzman, let me make this clear.
12 The Zambada family uses cooperation as a tool. As a tool, it
13 uses cooperation as a means to maintain and continue its grip
14 on his billions and billion-dollar narcotrafficking empire
15 that make all this money trafficking drugs other years.
16 They're in touch with the DEA as you've heard in this trial.
17 One of the relatives gets tossed to the Americans as a
18 sacrifice, we heard that. That Vicente was meeting with the
19 DEA and a couple hours later gets arrested. Then they
20 immediately begin to cooperate and spend a few years in prison
21 like Serafin. And then they're free, back to doing I don't
22 know what, are they trained to do? You heard from Vicente
23 about his brother's five-and-a-half-year sentence. Tell me
24 something. Would any of you spend five and a half years in
25 prison for billions of dollars? It's possible. It's not

Summation - Mr. Lichtman

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1 crazy. You might. Regardless. It's a brilliant plan for
2 Mayo Zambada and it has worked flawlessly for decades now
3 despite Mayo being under indictment in America since forever.
4 Cooperate, bribe, have constant contact with the Government,
5 stayed free, throw someone to the Feds, cocaine keeps
6 flowing -- yesterday, today, and tomorrow forever. Nothing
7 changes. Even what happens in this courtroom, Mayo Zambada,
8 the cocaine keeps flowing.

9 What also didn't come out yesterday during the
10 Government's summation was the crazy sweetheart deals given to
11 these cooperators. They were given the world by this
12 government and then they lied their butts off. You heard
13 that, too, for the Government. Don't you think our government
14 was above that sort of thing. Did you even know before you
15 came here that they gave away these deals to such bad people?
16 Did you think that was possible? Aren't we above that?
17 Sometimes these witnesses not only were they given sweetheart
18 deals, sometimes they weren't even charged. Sometimes they
19 were paid money. All certainly paid to get their get out of
20 jail free card no matter how many they killed. We watched as
21 the witnesses lied and lied and lied under oath. Is that the
22 country you thought you were living in? Where things like
23 that could happen inside a courtroom in America?

24 Regarding the alleged bribe to the Mexican
25 government by Mr. Guzman as told by Alex Cifuentes. Remember

Summation - Mr. Lichtman

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1 Alex has been carefully prepared for you by them. He started
2 his cross-examination very beginning of it by admitting they
3 went over a script of questions and answers that he would be
4 asked on direct by the Government. And then he practiced
5 cross-examination questions as well he admitted with the
6 prosecutors. This is a scripted event, as I told you, in my
7 opening. This was a play that was presented to you by the
8 Government and they shaped what you would see in an effort to
9 manipulate you into believing these witnesses in order to
10 convict Mr. Guzman. How many different cooperators signed
11 cooperation agreements promising to pay back millions of
12 dollars in forfeiture only for us to find out that they
13 claimed to have no assets at all. It's what they claim.

14 It was made very clear that the money is never going
15 to be paid back. And most of the witnesses were not even
16 required to fill out financial statements which revealed their
17 assets or showed show any proof that they didn't have any of
18 these assets that they were claiming.

19 All their drug money vanished. The Government, in a
20 wink and a nod, just accepted it. Accepted that they had no
21 money. Didn't require them to list their assets under oath.
22 And for the couple of cooperators that were required to
23 actually fill out financial statements, I think there were
24 two, why have them fill them out at all if you're just going
25 to take them at their word and not require them to support the

Summation - Mr. Lichtman

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1 comments about their financial state with records, bank
2 statements, anything -- sales of property -- just keep the
3 money as long as we can get that conviction of Chapo. Isn't
4 that really the truth of what we saw here?

5 How is it that none of the cooperators have any drug
6 proceeds to forfeit? Come on. You're smarter than that.
7 You've heard that the Colombian government seized \$250
8 million, approximately, from Jorge Cifuentes; \$700 million or
9 so from Chupeta; and the Government seized another \$10 million
10 or so from Jorge before he began cooperating. They have the
11 burden of proof. They do. We don't, the defense. They have
12 the burden to put on witnesses who don't lie, but they lied.

13 Now, let's see if on rebuttal because there's going
14 to be a prosecutor coming after me to talk to you again.
15 Let's see if they admit to you that their witnesses lied here
16 in this courtroom. I'm going to give you a spoiler alert, I
17 hate to do that to you. They're not going to say it. Make
18 them pay if they don't admit it. Make them pay if they don't
19 admit that their witnesses lied here. Similar to their lies
20 about promising to pay forfeiture back. Consider what each of
21 the cooperating witnesses said about how much time they think
22 they're going to get when they're finally sentenced. All of
23 them lied to you and said, well, I could still get life.
24 Really? You could still get life after you cooperate? After
25 you get that 5K1 letter? It's possible. That's really

Summation - Mr. Lichtman

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1 possible. They're all claiming that we're hoping for the
2 better, the best, but we could still get life.

3 But you heard about Vicente Zambada's
4 cocaine-dealing brother Serafin and the five and a half years
5 he got. From life to five and a half years, that's a pretty
6 damn good bargain, isn't it? Here's the ugly truth. They're
7 haul getting out when Chapo Guzman is convicted. That's what
8 they're not going to tell you that you know for the better.
9 And the lies about thinking they could receive decades in
10 prison they've got the blueprint from Serafin because God
11 knows how many cooperators they got over the years.

12 And did you believe Alex Cifuentes when he claimed
13 that he had zero dollars. That was a pathetic part of his
14 examination. His brother managed to have \$265 million in
15 assets that were seized, cash and assets. But Alex had zero.
16 Of course, he lied to you and claimed that he learned about
17 Jorge's seizures. He learned about it on the Internet. But
18 that's where he learns everything. He doesn't want to tell
19 you the truth. He learned about it to from Jorge.

20 (Continued on the next page.)
21
22
23
24
25

Summation - Mr. Lichtman

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1 (In open court.)

2 MR. LICHTMAN: That's where he learned everything.
3 He doesn't want to tell you the truth. He learned about it
4 from Jorge. He doesn't want to show he had conversations
5 with Jorge because he makes believe all is pure, clean, all
6 the evidence that comes from his mouth is all based upon
7 what he saw and not what he heard from another cooperator.

8 He speaks to his mother all the time, we
9 learned, before and after the seizures. He lied to you and
10 said he never purchased a property in his life other than
11 some land that he bought because he couldn't make the
12 payments anymore, that million and a half dollars that he
13 put down, and an apartment in Cali, Colombia that he bought
14 in the '90s and sold many years later.

15 Alex lied and claims he was a lower-level
16 drug dealer. This is a guy who worked for the Cifuentes
17 Villa drug trafficking organization in Colombia, huge
18 organization, and claimed to have worked for Mr. Guzman as
19 his left and right hand. He lied. Lower-level guy? Yeah,
20 right.

21 He also lied to me when I asked him if he
22 bought any expensive things at all. He doesn't want to pay
23 any money back, so he just lied to you. He said he bought
24 some watches and cars, but he gave them away to his
25 girlfriends. Cars.

Summation - Mr. Lichtman

6735

1 Did you ever buy cars with drug proceeds?

2 Yes, I buy cars. I gifted to girlfriends. I
3 would get them watches. A good life.

4 Question: Did you ever keep any of those
5 cars or watches for yourself, or were you just giving them
6 all away?

7 Answer: I gave them away, and in the end I
8 sold the cars.

9 Did you keep the money from the proceeds of
10 the sales?

11 No, I spent it.

12 Come on. That's a lie. Yes, everything he
13 buys in his meager little life as a minor drug dealer he
14 just gives away to girlfriends. That sounds like what
15 everybody does, right?

16 Then he told us he was forced to admit -- I
17 guess he realized how ridiculous his testimony was -- that
18 he made some millions in the decade of dealing drugs. Some
19 millions, gross salary, gross income. He claimed he was
20 just a lower-level drug dealer. So no money seized in
21 Colombia or Mexico or the United States; and we have to
22 believe him because the Government didn't even ask him to
23 fill out a financial statement to show where his money is,
24 where it went.

25 It's sad to say they are a part of this too.

Summation - Mr. Lichtman

6736

1 I don't like saying it. I live here too. But they are a
2 part of it as well. He testified, Alex was first and then
3 he filled out a financial statement. He actually said it at
4 first, and then a few questions later admitted he was not
5 required to do so.

6 Now, before I go into the cooperators more
7 fully, I want to discuss a legal issue. The Government
8 claimed that all of the wide-ranging evidence that they
9 presented from, Honduras to Guatemala, Colombia, Mexico,
10 that it's one conspiracy surrounding a single
11 Sinaloa Cartel. If there is a single Sinaloa Cartel, I
12 respectfully submit to you that Mayo Zambada is the leader
13 and the only leader.

14 If there is any question, just reference the
15 testimony of his son Vicente. It's not me saying. It's not
16 the Government saying. It's Mayo's own son Vicente. This
17 is what he says. This is the question from the Government.

18 I'm showing you Government's Exhibit 2-B.
19 Who is this?

20 He is my dad.

21 What does he do for a living?

22 My dad is the Sinaloa Cartel's leader.

23 In the course of the next couple of hours I'm
24 going to show you just how much sense it makes that Mayo
25 Zambada was the leader of not the Government fiction of a

Summation - Mr. Lichtman

6737

1 single Sinaloa Cartel, but a drug cartel centered in Sinaloa
2 and led by Mayo. And more importantly, Joaquin Guzman was
3 the rabbit that the Mexican authorities were chasing for the
4 benefit of Mayo Zambada for years, decades, as Mayo keeps
5 bribing them.

6 From 1993 to today Mr. Guzman has either been
7 in prison or on the run. Mayo, on the other hand, has never
8 served a day in prison and has been continually trafficking
9 drugs in Sinaloa from the mid-70's until January 31, 2019,
10 today.

11 Now, if you need more to contrast the
12 difference between these two men, contrast the image of a
13 cartel leader to the testimony of the Lucero Sanchez and her
14 description of what her duties were with Mr. Guzman in 2012.
15 She was apparently Chapo's only associate. This young
16 woman, with no experience in the drug trade, she is unpaid,
17 making small marijuana deals on a credit, attempting to cut
18 the price of a kilo of marijuana from 500 pesos, which is
19 like 35 bucks, to 250 pesos, like 17.50, in the golden
20 triangle, Mr. Guzman's own backyard. This is where she is
21 being sent out to make these ridiculously tiny marijuana
22 deals.

23 Would the leader of the powerful
24 Sinaloa Cartel need to send Ms. Sanchez, 21 years old, to
25 obtain marijuana from Guero Trankas, who controls the

Summation - Mr. Lichtman

6738

1 marijuana fields in the area? The concept is a joke. It
2 doesn't make any sense.

3 If there is one single Sinaloa Cartel,
4 clearly the evidence is that there is not one single
5 conspiracy. It's run by Mayo Zambada, the leader.

6 You will be instructed by the court on the
7 definition of multiple conspiracies, and the defense of
8 multiple conspiracies. The judge will tell you that
9 ultimately the Government must prove beyond a reasonable
10 doubt that the defendant was a member of the conspiracy
11 charged and, if you find that defendant was not a member of
12 the charged conspiracy, you can't find him guilty of that
13 count, even if you find that he was a member of some other
14 conspiracy. But proof that defendant was a member of some
15 other conspiracy is not enough to convict. On the other
16 hand, even if you find that multiple conspiracies existed,
17 you should convict the defendant if you find that one of the
18 conspiracies alleged in the indictment and that he was a
19 member of.

20 Now, back to Mayo Zambada. As clear as the
21 evidence was that Mayo was a puppeteer that was pulling the
22 strings here, it's equally clear that there were numerous
23 independent and, at times, warring groups and not one single
24 narco-trafficking conspiracy existed in Sinaloa, Durango,
25 Juarez, Chihuahua, and all over Mexico.

Summation - Mr. Lichtman

6739

1 Now, get back to the backbone of their
2 evidence with cooperators. As I said, we are basically
3 trained seals here, to sell you a fantasy about Mr. Guzman.

4 As I said about Alex, he was -- you heard
5 much about him yesterday -- he was the one that identified
6 Mr. Guzman on so many of those intercepted phone calls that
7 you heard. But before you believe that and believe him and
8 his word, remember his discussion about the \$1 million
9 forfeiture payment that Alex owed to the Government pursuant
10 to his cooperation agreement. It was due six months after
11 sentencing. That's when it was due, according to his
12 cooperation agreement.

13 And he made it very clear, he doesn't have
14 any money. But if he doesn't -- this is important -- his
15 cooperation agreement is considered to be in breach. That's
16 what his agreement says, and you have it and you will get it
17 back there and you can look at it. So six months after he
18 is sentenced -- he is in jail now -- six months after he is
19 sentenced if he doesn't pay the million dollars back he is
20 considered to be in breach of his cooperation agreement; and
21 the Government, according to the agreement, can bring
22 additional criminal charges.

23 He said he doesn't have a single dollar to
24 his name, and you know we are not going to push him to pay
25 it. Why not make him pay before the sentencing? How about

Summation - Mr. Lichtman

6740

1 that for a concept. You want to get the money? Make him
2 pay before the sentencing, instead of six months later,
3 because they want to make it appear to you, the jury, that
4 they are being tough on him. We are going to be tough on
5 him. He is facing life and has to pay a million dollars
6 back and, if he doesn't, he is in breach. That's a lie.
7 You know it's a lie.

8 They want to make it appear as if he is has
9 the sword of Damocles hanging over his head if he doesn't do
10 the right thing. If they ever required him to pay the money
11 before the sentencing he would never get sentenced because
12 he would never come up with the money.

13 Here is the crucial thing that I recall after
14 rereading his testimony. He actually had the nerve to tell
15 you that if he doesn't pay the million dollars off in the
16 six months after his sentence, he expects, quote, to be
17 jailed again. Think about that. Here is the question.

18 Sir, you are aware if you don't make the
19 \$1 million payment six months after your sentencing it's
20 determined to be a material breach of your cooperation
21 agreement, correct?

22 Answer: Yes, sir.

23 Question: What is your understanding of what
24 occurs if there is a material breach of your cooperation
25 agreement?

Summation - Mr. Lichtman

6741

1 Answer: I would be jailed again.

2 Jailed again? Wait a second. He is telling
3 you that he knows he is going to get out of prison when he
4 is sentenced. He is facing life in prison, he told you, for
5 God knows how many kilograms of cocaine, murder, violence,
6 all sorts of things; but he told you that if he doesn't pay
7 six months after his sentencing he expects to be put back
8 into jail. Jailed again.

9 I thought that he may be getting life here,
10 and he is going to be just sitting in jail for a long time
11 after he was sentenced. He told you he expects to get out
12 at sentencing. How long has he been in, a few years? With
13 all that mayhem, disgusting behavior? He slipped. The mask
14 slipped for a second, and you got to see the truth.

15 Here is another spoiler alert. He is getting
16 out of an asset, and he is not going to be paying the
17 million dollars, and he is not going to be jailed again.
18 And he will be living amongst us free. Be careful.

19 And, although he fought like crazy on the
20 issue of the 5K1 letter that he needs from the Government,
21 in order not to die in prison, he made it very clear that he
22 has to get it; and he expects that he is going to give the
23 Government exactly what they need and what they want, which
24 is testimony to convict Mr. Guzman.

25 I asked him and his brother Jorge if he they

Summation - Mr. Lichtman

6742

1 wanted Mr. Guzman to be convicted. I thought this was an
2 interesting question. Thank you. They both side lied and
3 said, we don't care if he is convicted. What a bunch of
4 bull. You actually think that they think that it makes no
5 difference if Mr. Guzman is convicted here, to help them get
6 their 5K1 letters and get out of jail? Of course they want
7 him to be convicted. Of course it helps them.

8 At the very least, these idiots think that if
9 the man is acquitted they may be held responsible for it.
10 Right? That's common sense. How could they not think that
11 it helps them to have Mr. Guzman convicted?

12 But here is the big picture. If he is this
13 dangerous narco trafficker, burning people, throwing them in
14 the pits, F your mother, if he is this horrible, scary,
15 dangerous guy, why would the Cifuentes brothers not want him
16 to be convicted? They turned over a new leaf. They told
17 you, right? They told you that they are now good men. Just
18 flip that switch, and they are all cleaned up and they are
19 good people.

20 Why wouldn't they want such a dangerous man
21 to be convicted and put away? Isn't that common sense?
22 They lied to you again, over and over and over, just so you
23 would think better of them. Just so you would think that
24 they have no motivation to lie.

25 You know what? The Government didn't stop

Summation - Mr. Lichtman

6743

1 them. No one put up their hand, Hey, he is lying. No one
2 stopped them. You know who can stop them? You people can
3 stop him. That's all. You have got more power than any of
4 us. You are the judge of the facts.

5 In case you are wondering who was really
6 important to Alex Cifuentes, which lawyers are really
7 important to him, is his paid lawyers or the prosecutors.
8 His lawyers didn't even show up for half his debriefings.
9 Just the prosecution and the agents. Those are the ones
10 that support him. Why? Because those are the ones who can
11 give him the 5K1. What the hell can his lawyers do for him?
12 Nothing. If he wants to get out of jail, he needs those
13 lawyers sitting there.

14 What his lawyer did help us with, though, is
15 tell the court during his guilty plea that he speaks nearly
16 perfect English. When he pled guilty -- that's a pretty big
17 day in your life, pleading guilty to perhaps getting life in
18 prison -- he didn't use a translator. He spent a year in
19 England learning English and acted as an English translator,
20 as you heard, as he testified to, during his drug-dealing
21 life. But then he pretended he needed a translator here, to
22 buy him some extra time to think about his answers to the
23 questions that were posed. That's why I brought it up.

24 As I explained at the beginning of my
25 cross-examination, that he didn't even know that Jorge was

Summation - Mr. Lichtman

6744

1 cooperating. I couldn't believe that. He said, on the day
2 of his testimony, just a few weeks ago, Oh, Jorge is
3 cooperating? Thank you, thank you for that information.

4 Here is the question: Are you aware that
5 your brother Jorge testified a few weeks ago in this case?

6 No, sir.

7 Question: Are you aware that he is a
8 cooperating witness?

9 No, sir.

10 And then, three questions later -- three
11 questions later -- after being confronted with the fact that
12 he stated on direct that his brother Jorge -- remember the
13 call from prison Jorge made from that burner phone that Alex
14 had in Colombia in his prison cell in December of 2014 --
15 that's what, four years ago -- Jorge told him that if he
16 didn't cooperate Jorge would be the first person to testify
17 against him. Alex realized, you got me. That's what I
18 needed to say. Of course I knew he was cooperating.

19 He also claimed that he was passing messages
20 to Jorge through his mother and through that crooked lawyer
21 Luisa Fernandez. Why would his brother tell him to
22 cooperate and that he would testify against him if he wasn't
23 cooperating?

24 Three questions later: Question: So of
25 course you know that he is cooperating in this case, yes?

Summation - Mr. Lichtman

6745

1 Answer: Yes, sir.

2 You have to figure out, why would he make
3 such a stupid lie? Why would he make such a stupid, easily
4 proven lie? Was it a mistake, or was it purposeful? He was
5 clearly trying to show he was trained to act as if he
6 doesn't know anything other than what he saw himself. He's
7 got blinders. I don't know anything.

8 Oh, Jorge cooperating? Oh, let me think
9 about that. I know nothing about that at all, because I
10 claimed in my opening that the Cifuentes brothers had the
11 evidence, some of the evidence in this case years ago, and
12 that they could shape their testimony here to match what the
13 Government had on them, to make them better witnesses, to
14 give them more credibility, that they could have seen what
15 the evidence in this case was before they were debriefed by
16 them for the very first time. That's why Alex Cifuentes is
17 trying to make as if he never spoke to anybody about
18 anything.

19 You heard Jorge testify that he met with a
20 Colombian naval officer, an American naval officer. It
21 really doesn't make a difference. That he paid a ton of
22 money for this guy, and he showed him a huge amount of
23 evidence that the Americans were using their own
24 investigation. Isn't that shocking? How sick is that?
25 What a world, huh? We will get to that later, but the

Summation - Mr. Lichtman

6746

1 Cifuentes clan clearly was given evidence which ended up in
2 this case years ago.

3 And ignoring Jorge's lies on
4 cross-examination. He said they only look at the
5 organizational chart, much like the one the Government had.
6 That was -- and I also got the Florida case number that was
7 not for me. Paid all this money. I'm giving all the
8 evidence against. No, no, no. I have got other things to
9 do. I have a racquetball game. I can't be bothered. I
10 can't bothered. Nothing special. All he took down was the
11 Florida case number, and he said it's clear that he had
12 evidence that's in this case, in their heads, well before he
13 began being debriefed.

14 That's why Alex is pretending he doesn't know
15 anything about Jorge's cooperation. He is just lying to
16 you. You cannot trust the Cifuentes. Would you buy a used
17 car from the Cifuentes? Would you let your children be
18 baby-sat by a Cifuentes? Would you loan money to a
19 Cifuentes? Of course not. Your car would break down as
20 soon as you left the lot; your kid would be sold for a kilo
21 of cocaine; and you would go broke trying to chase him down
22 for the money that you lent him. But you are going to put
23 your trust in that man to convict Joaquin Guzman? It's not
24 right.

25 How about Alex refusing to acknowledge that

Summation - Mr. Lichtman

6747

1 his brother Fernando was a drug dealer who worked for a
2 really big drug dealer named Don Efra in Cali, Colombia.

3 You heard Jorge, his brother, testify that
4 Fernando, their brother, was a drug dealer who worked for
5 Don Efra in Cali, Colombia. Not even a question. Not even
6 a question. Jorge testified that he became a bodyguard for
7 Don Efra, and Jorge testified that Fernando killed Don Efra
8 and was killed in response, which triggered a huge financial
9 debt owed by the Cifuentes family.

10 Somehow Alex refused to admit that not only
11 was Fernando a drug -- not a drug dealer, he wouldn't say.
12 Instead, he lied to you and claimed that Fernando was a
13 systems engineer. I don't know even know what the hell that
14 is. He is a systems engineer. Really? And he is working
15 for Don Efra, who Alex claimed he had no knowledge was a
16 famous drug dealer.

17 Now, it wouldn't be so pathetic if not for
18 the fact that Alex actually assisted Fernando and Don Efra
19 when he was 15 years old, but, again, claimed that neither
20 one of them dealt drugs. He lied to your faces. Who is
21 going to pay for that lie? Just him?

22 He was working at age 15 as an assistant to
23 the systems engineer who worked for the nondrug dealer.
24 Alex carried three loaded guns at the time on his person,
25 and he claimed then -- I mean, lied -- that this was normal

Summation - Mr. Lichtman

6748

1 for a child in Colombia and allowed by the Colombian army.
2 Yes, I'm sure a 15-year-old carrying three loaded handguns
3 was permitted to by the army because that's Colombia. Do
4 you believe that? Who could believe that crap?

5 A-3-gun 15-year-old who was assisting a
6 systems engineer who happened to be working for one of the
7 biggest drug dealers in Colombia, who wasn't a drug dealer.
8 It's all kosher. Let's just check off the box and put away
9 Mr. Guzman.

10 Here is how some of it went down in the case,
11 in case you forgot.

12 Question: Do you know that Don Efra was a
13 drug dealer?

14 Answer: In the news they say he was.

15 Question: Do you know that Fernando was a
16 drug dealer?

17 Systems engineer.

18 Question: Do you know that Fernando was
19 killed as well because he killed Don Efra?

20 Answer: That was a rumor. I wasn't there.

21 He thinks he is smarter than you. He thinks
22 he is smarter than me. He thinks he can lie and lie and
23 never be held accountable; and when he lied, as I said --
24 and those lies were pathetic -- no one from this table stood
25 up and said, we have had enough. Take this man out, we

Summation - Mr. Lichtman

6749

1 can't convict Mr. Guzman. No one said that. We don't need
2 him. This witness is no good. He is a liar. Nobody said,
3 nobody stood up, because nobody cares. And the only one
4 that can stop it are me and you.

5 Remember when I questioned that Agent
6 Marsden. I asked him if he is entire career he has ever
7 seen a government witness lie on the stand. Remember his
8 answer? He said no, I have never seen it. That was a lie
9 right there. How ironic is that? Marsden saying in his
10 lengthy career he has never seen a cooperator lie on the
11 stand. How funny, that he was a big liar himself. An
12 agent, works for our country, works for you.

13 Alex lied about not knowing that Dolly was a
14 cooperator. His sister was a cooperator as well. This
15 family is so close they deal drugs together. What a bizarre
16 family. They have been dealing drugs together since they
17 are kids. Their mother is a main adviser on drug-dealing
18 issues; and Dolly was arrested in 2011, according to Jorge
19 and Alex, and Alex lied to your faces and claimed that they
20 only learned about her cooperation from the news.

21 Why does he have to lie? Why are they
22 letting him lie to you? He told us that he speaks to his
23 mother, as Jorge does as well. They pass messages to each
24 other, while they are in prison here. If Alex claimed that
25 he learned from the news that Dolly is cooperating with the

Summation - Mr. Lichtman

6750

1 Government. This lie was similar to the one, as I said
2 before, when he initially claimed that he didn't know that
3 Jorge was a cooperator.

4 He lies so easily, how can you accept the
5 rest of his testimony? The judge will tell you that you
6 don't have to, if you think he lied to you; and you
7 shouldn't, respectfully I submit.

8 Did you notice what happened when I simply
9 asked Alex about the payments he claimed were paid by
10 Mr. Guzman to President Nieto of Mexico? Before I could
11 even finish that first question, he is claiming he didn't
12 know for certain what the numbers were. Keep in kind that
13 his first debriefing on the issue -- and this is
14 important -- his first debriefing on the issue was in
15 February 2016.

16 Question: And during that first debriefing
17 you told the Government that Mr. Guzman paid the Mexican
18 President Pena Nieto 250 American dollars?

19 Answer: That is not correct. I remember
20 that incident, but not that amount.

21 And then from then on I corrected myself, a
22 few questions later.

23 But did you mention an amount in that first
24 debriefing, didn't you?

25 Answer: Yes, sir.

Summation - Mr. Lichtman

6751

1 Question: That number was 250 million,
2 wasn't it?

3 Yes, sir.

4 In April of 2016, a few months later -- and
5 this is painful -- Alex gave a similar story to the
6 Government. A request by the president of Mexico of
7 \$250 million from Mr. Guzman, but a hundred million was
8 actually only paid.

9 November of 2017. Now we are a year and a
10 half later. Another proffer. Same story.

11 President Nieto requested \$250 million but
12 Mr. Guzman paid a hundred million dollars.

13 But then, in September of 2018, almost a year
14 later, there was another debriefing he had with the
15 Government. This one was an unusual one, he said. Just one
16 topic, just this topic, the payment of a bribe to President
17 Nieto of Mexico. Why have another debriefing on this topic
18 if his story was consistent?

19 In February, in April of 2016, in September
20 of 2017, in November of 2017, September of 2018, you have
21 years and years he is telling the same story. Why do they
22 need another debriefing just on this one issue?

23 Suddenly, don't you know, after all that time
24 of giving consistent dollar amounts -- from the February of
25 2016 proffer session to April of 2016 to November of 2017 --

Summation - Mr. Lichtman

6752

1 suddenly a year later, in September of '18, he forgets the
2 numbers. Now they are fuzzy, he admits. Why do you think
3 that is? Why do you think that is?

4 Why do you think that this one-topic proffer
5 with the Government, after giving a very consistent story
6 for two years the story suddenly got fuzzy on the issue of
7 whether the president of Mexico was bribed? I'm not going
8 to tell you what the answer is. You figure it out for
9 yourselves. You are smart people. That's why we picked
10 you.

11 Alex was so desperate not to answer this
12 question. He claimed he couldn't answer with a yes or no.
13 I asked him, didn't in fact you tell the Government that
14 Mr. Guzman paid that bribe in October of 2012? It was a
15 month before the election. How is that not a yes-or-no
16 answer? I can't answer that yes or no.

17 Regardless, a few questions later, yes, it
18 was October of 2012 is when I told the Government, right
19 before the election.

20 Similarly, he claimed he didn't recall very
21 well telling the Government that President Calderon of
22 Mexico was being bribed by the Beltran Leyvas during their
23 war against the Sinaloa Cartel. At the same time he claimed
24 that Mr. Guzman was paying the Mexican military, according
25 to him.

Summation - Mr. Lichtman

6753

1 He remembered every detail of that part of
2 the equation, that Mr. Guzman was paying the Mexican
3 military to hunt down Beltran Leyvas for him, kill them,
4 have fake military initiatives. He remembered the dollar
5 figure, 10 to 12 million, Mr. Guzman supposedly paid. That
6 he remembered perfectly.

7 But the part that he didn't remember was the
8 fact that the allegation of President Calderon of Mexico was
9 being bribed by the Beltran Leyvas. Isn't that funny how he
10 again forgot that prior statement about the bribery of
11 another Mexican president?

12 Now, why did I elicit that lie from Alex
13 Cifuentes? You are thinking, why is this idiot lawyer
14 eliciting that information against his own client about the
15 bribe to the president of Mexico? Well, I knew he wanted to
16 convict Mr. Guzman, and I knew it made no sense.

17 It didn't make any sense; and I knew that's
18 what he is here for, to blame Mr. Guzman, even if it doesn't
19 make any sense, because they need that conviction and they
20 are going to get that conviction no matter what. He will
21 say anything. Like every one of the other witnesses, he
22 blamed everything he could on Mr. Guzman. They threw him
23 into any crimes they could.

24 I asked him questions about the 1978 World
25 Series. Well, Mr. Guzman was there, and he was stealing

Summation - Mr. Lichtman

6754

1 some guy's popcorn. Remember that ball that dropped in the
2 front row that Jeffrey Maier, from the Baltimore Orioles
3 game? Well, Mr. Guzman was there. He was the one who
4 caught the ball. Anything they could blame on Chapo Guzman
5 on, they threw him in.

6 (Continued on the next page.)
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Summation - Mr. Lichtman

6755

1 MR. LICHTMAN: But the bribe that Alex claimed
2 resonates that was asked for and received, it's pretty damning
3 testimony, isn't it? Isn't that damning testimony that
4 Mr. Guzman paid that bribe? Why didn't that come out on
5 direct? Pretty damning evidence against my client. Why
6 didn't it come out on direct? Two reasons. One is they don't
7 believe it; it doesn't make any sense. They will believe
8 almost anything, it would seem, that these lying opportunists
9 will say; like Alex promising to pay \$1 million within six
10 months of his sentencing when he doesn't have a dollar to his
11 name. They claim to believe that crap, but somehow they don't
12 believe the claim that Alex made that Mr. Guzman paid a
13 hundred million dollars in a bribe to the president of Mexico.
14 They didn't believe it; not because Mr. Guzman was broke,
15 according to Alex, and wildly in debt during this period,
16 according to Alex. How is a guy that owes \$20 million from
17 2007 through 2013 going to just be able to whip out his wallet
18 and pay a hundred million dollars to the president of Mexico
19 at the drop of a hat? You could infer from the evidence
20 yourselves why the Government did not bring out that bribery
21 on direct examination. I'm not going to tell you why, but
22 what I will tell you is that Mayo Zambada made that payment
23 because the circumstantial evidence is clear as a bell here.

24 Who was the one that benefited from a hundred
25 million dollar bribe to the president of Mexico? The guy

Summation - Mr. Lichtman

6756

1 sitting on his ass at home sunning himself, smoking a cigar,
2 or the guy being hunted like an animal for decades, even after
3 he supposedly paid the bribe. He could come out of the
4 shadows if he just pays the money. Nothing changed for
5 Mr. Guzman, and nothing changed for Mr. Zambada either.

6 Here's the point about all of Alex's lies and the
7 convenient "I don't remembers." He's playing a role here.
8 You cannot trust him on his testimony because he's so willing
9 to lie to you. And as I said, they let him. If the case is
10 so strong, why do they have to let their witnesses lie to you?
11 If the evidence is so overwhelming, check the box. Check the
12 box. If it's so overwhelming, why do their witnesses have to
13 lie to you? How would you feel if they were lying about you?
14 Wouldn't feel so good.

15 I asked Alex about one of his fake identities, Eloi
16 Frank, in which he had a phony driver's license in his name.
17 He claimed that he got it so he could move easily around
18 Mexico with it. I asked if it was to help him traffic
19 narcotics: *No, I was an accountant at the time, not a drug*
20 *dealer.* This scum was an accountant. Two questions later --
21 two, *dos* -- two questions later, he admitted that he was doing
22 the books for Jorge, his brother, the narco-trafficker. Yes,
23 *I was dealing drugs, too.* Two questions later. That's how
24 easy it was to turn that lie out.

25 Now, regarding that stipulation I read to you on

Summation - Mr. Lichtman

6757

1 Tuesday, the last part was about Alex Cifuentes telling an
2 agent during a debriefing that Mr. Guzman was in debt for
3 \$20 million from 2007 until 2013. Cifuentes lied and said it
4 was just 2007, and there's a reason why he lied to you,
5 because he's trying to help the prosecutors convince you that
6 this is just this gigantic narco-trafficker who has made
7 billions of dollars, and you could have a bad year, 2007.
8 \$20 million, that's nothing. Make it up in 2008, '09, '10,
9 '11, '12, '13. But he realized when he said 2007 to 2013,
10 suddenly, it doesn't seem like he's really the arch
11 narco-trafficker they are claiming if he doesn't have any
12 money for six years.

13 This is the biggest of the big, El Chapo, head of
14 the Sinaloa Cartel, biggest drug dealer in the world, the dude
15 has no money, and Alex Cifuentes had to drag him -- I will
16 read to you the truth of what Alex had said, 20 million in
17 debt for six years. If he was in the position that they
18 claimed he had, he wouldn't have had that kind of financial
19 issues.

20 So Alex lied far beyond that and claimed that these
21 money problems existed in 2007. Now, how could he have paid
22 that hundred million dollars to President Nieto in the middle
23 of that period? \$20 million in debt but about a hundred
24 million to pay. Doesn't work. It just doesn't work. And it
25 makes sense when you consider what Memin said -- he was, I

Summation - Mr. Lichtman

6758

1 think, the last cooperator -- that Mr. Guzman was unable to
2 pay salaries of his workers during that period. And how he
3 was living cheaply, we heard from Alex. He had the lousy
4 communication system in 2007 and 2008; he had two
5 televisions -- he didn't even know what a plasma television
6 was. He had wooden planks for bedside tables. That all makes
7 sense now, doesn't it? He didn't have the money. And it
8 explains why, when Alex is talking about the stash houses
9 filled with cash, he was just lying, he was making that up.

10 And that one cooperator, Miguel Martinez, claimed
11 that Mr. Guzman had multiple jets and a home in every beach
12 area. He was lying because part of the case against
13 Mr. Guzman is that he had great wealth. But when the rubber
14 hits the road, the dude could not pay salaries of his workers
15 and was 20 million in debt for six years. Martinez lied. The
16 Mexican government, the Americans, found no evidence. Where's
17 the stash house? Where is the cash? Not a single penny was
18 seized from him. You have seen real drug kingpins and how
19 much money gets seized; 250 million from Jorge, almost a
20 billion dollars and 700 or so million from Chupeta. They've
21 got these crazy paintings -- 500, \$600,000 paintings --
22 massive watch collection. Not Mr. Guzman, he's got baseball
23 hats and a bed with wooden planks made.

24 But let's take Cifuentes at his word, Alex, this
25 time. He claimed basically he had no money as a member of the

Summation - Mr. Lichtman

6759

1 Sinaloa Cartel while working for Mr. Guzman, despite the fact
2 that he was Mr. Guzman's left and right hand. He had no
3 money; he made almost nothing. If the right and left hand are
4 making no money, what about the rest of the body? Is that
5 where all the money is? Left and right hand have nothing.
6 It's bull, and you know it, and the evidence bears it out.

7 But you know who wasn't living poorly, who could
8 afford a hundred million dollar bribe -- I know, I'm going to
9 say it again -- Mayo Zambada, the man who managed to never get
10 arrested, even if he has a \$5 million mountain house, and they
11 could ring him on the phone all they want, when they want to.

12 Similarly, Alex testified that Damaso Lopez -- this
13 was almost a surreal moment, I hope you haven't forgotten
14 it -- that Alex testified that Damaso Lopez created T-shirts
15 and hats that had Sinaloa Cartel written on them. Damaso
16 looked at Mr. Balarezo like he had three heads when he was
17 asked about it and denied it. Ridiculous story, an obvious
18 lie. Let's say it's true. Let's say it's true that there
19 were these hats and shirts with *Sinaloa Cartel forever* on
20 them. Someone was lying of the two of them, right? Can't
21 both be telling the truth. Either these hats and shirts were
22 made or they weren't. One said they were and one said they
23 weren't; someone lied. One of them had to lie. Does anybody
24 care? This is still America, ladies and gentlemen. Does
25 anybody care that one of them lied? Not a peep over here.

Summation - Mr. Lichtman

6760

1 Not a peep. Not a peep.

2 What I wanted to say to Alex, but I knew that I
3 would get a sustained objection, was that those hats and
4 T-shirts clash with the camo outfits they were supposedly
5 wearing, or forced to wear every day when you were hiding in
6 the mountains of Sinaloa. That makes sense. We have to wear
7 camouflage so we could blend in amongst the elements, we were
8 forced to wear it, but today I'm going to be wearing my black
9 and gold Sinaloa Cartel T-shirt, walk around, yeah, man, look
10 at me, Sinaloa Cartel hat. In case you forgot what's on the
11 shirt, I've got a hat too. Bunch of boloney, give me a break.
12 Who could believe that?

13 Now, they said that if they lie they may not get
14 their 5K1 letter, so which one of them isn't getting their 5K1
15 letter? Damaso or Alex? Spoiler alert, they are both getting
16 them, and they are both going to get time served when they get
17 sentenced and they will be free walking amongst you.

18 Now, there was also that stipulation that I read the
19 other day about that attorney rant. This was an important
20 thing. I think that was at the end of the case, and it didn't
21 seem like that big a deal. But how about when Alex testified
22 that Mr. Guzman -- Alex got arrested in Mexico, and Mr. Guzman
23 sent an attorney to represent him after he was arrested, like
24 there was some kind of sinister suggestion that an attorney
25 showed up and said: *I'm your lawyer, and I came from Chapo*

Summation - Mr. Lichtman

6761

1 *Guzman.* But the insinuation was: *You are going to do what we*
2 *tell you or else. Mr. Big sent me to represent you.* Right,
3 that was what the insinuation was? So I had to get a
4 stipulation that what Alex really said to the Government when
5 he was debriefed on this was that, in fact, two specifically
6 named inmates -- and I named them in the stipulation --
7 referred Alex to Attorney Grandos, and that Alex reached out
8 to Attorney Grandos, and that's how he met the man. It wasn't
9 that Mr. Guzman sent him to the prison to represent him.

10 But this is what you need to understand. The
11 witnesses are doing all they can to make him look more
12 sinister because they want to trick you and they want to
13 convince you to convict him. Make him look bad. They will
14 say anything unless we can stop them, you and me. We already
15 know the Government is not going to stop -- haven't stopped
16 them from lying. We know it. We need to. This is it. Just
17 us. Just you. I'm just a big mouth lawyer. What can I do?

18 Alex finally said, at the end of his testimony, that
19 Mr. Guzman told him that he was picked up the Mexican
20 military, he was tortured, flown upside down from his feet
21 from a helicopter, and that he had his hands bashed in by the
22 butt of a rifle. And supposedly, he showed the scars on his
23 hands to the reporter who was interviewing him, which Alex
24 witnessed, he witnessed this interview. So I asked him, did
25 you see the scars on his hands? He couldn't answer that. Why

Summation - Mr. Lichtman

6762

1 couldn't he answer that? Because there's no scars on his
2 hands, that's why. Never saw the scars on his hands. That
3 story is a joke, an utter lie. It makes no sense, but believe
4 everything else that Mr. Guzman is alleged to have told Alex,
5 because that's a part of their case, what Mr. Guzman told
6 Alex. But that story, we know it's stupid and ridiculous, put
7 that one aside, but believe everything else because it helps
8 us convict the bad man over there. It's not fair. You know
9 it's not fair. Would you want that happening to you or your
10 loved ones, some scum like that lying about you or yours?

11 Now Jorge. The prosecutor sometimes on redirect
12 would try to show you that their witnesses weren't lying by
13 asking them if they saw a picture of let's say a gun, or heard
14 a recording, after they initially were briefed on it. And the
15 point is they were trying to show, look, they initially
16 debriefed on these things, on these facts, and then they
17 showed them the gun and let them listen to a tape, so how
18 could they possibly have known when they were testifying
19 initially about these facts that they didn't learn about until
20 later? It's a pretty potent argument, I've got to tell you.
21 That's a toughie.

22 You'd better write that one down for rebuttal.

23 But the point was they were trying to show you that
24 they were debriefed first and they were completely honest at
25 the time, but they had no idea what the evidence was at the

Summation - Mr. Lichtman

6763

1 time that they initially proffered it, but that's what the
2 problem is.

3 Mr. Fels would -- from what I believe, Jorge gave
4 that timeline, he testified -- Jorge Cifuentes -- *did you tell*
5 *us about the jewel-encrusted gun before you saw the picture of*
6 *it?* Things like that. Well, isn't it convenient that
7 Mr. Fels neglected to mention the Naval officer, here in the
8 United States, or the Colombian one. Now, I'm not sure, by
9 the way, how an agent forgets something like that. I hate to
10 interrupt, myself, but how do you make that mistake? You are
11 sitting there in a briefing, and a United States Naval officer
12 gave me all the evidence. You're going to go *what?* You know,
13 that's the kind of thing you wouldn't miss, right? Right?
14 Whatever. Whether it's -- he didn't screw that up. Whether
15 it was American or Colombian, it really doesn't make a
16 difference. What matters is that he received the evidence
17 beforehand, showed him a mountain of the evidence in
18 possession of the American DEA in 2010, before he was
19 debriefed by them. That's how he knew so much of the evidence
20 when he was first debriefed, and that's why he fought me so
21 hard on it because he didn't want to make it appear as if he
22 knew he was given the story before he told the story.

23 So he lied like crazy. And, again, why do they have
24 to put on witnesses who lie if their evidence is so strong?
25 If your evidence is so strong, put on your best three

Summation - Mr. Lichtman

6764

1 witnesses, just the ones that will tell the truth. Nah, we
2 are going to put them all on, we don't care, because you are
3 going to help us get that bad man with the gun, and what we
4 say counts, and that's it. Convict him. Come on, let's go
5 home.

6 On direct, Jorge admitted that the Naval officer
7 gave him a USB drive to look at with lots of information,
8 recordings, regarding drug trafficking activities which had
9 been recorded apparently by the Colombian government and
10 American DEA. And I'm quoting Jorge's testimony: *He did*
11 *allow me to place the USB on my computer and to look at the*
12 *information there to see the information, and he kept the USB.*
13 *I tracked a few of the data.*

14 Then, according to him when confronted on
15 cross-examination with this important point; namely, that he
16 had already seen the Government's evidence in this case in
17 2010, he claims that he didn't listen to any of the tapes
18 despite being provided the audio files; didn't look at any of
19 the evidence that was being shown despite the existence of the
20 computer files; was allowed to take notes of what he saw and
21 heard, but only wrote down one thing -- the case number. He
22 remembered the color of the ink that he used to write down the
23 case number. Those are pure spontaneous lies. This guy is
24 the most paranoid dude there is, anal retentive. He's got
25 ledgers, he's got this, he's got that, but when he's given the

Summation - Mr. Lichtman

6765

1 evidence against them, he doesn't lie. Not important to him.
2 He just was shown Jorge's organizational chart, he claims,
3 which was a part of his findings. He wasn't curious about the
4 evidence, wasn't curious about the tapes. Doesn't make any
5 sense. The information he claimed he hadn't seen was so
6 great, though, that it caused him to freak out and run to
7 Venezuela and even travel under a fake name. He had time,
8 though, to shred all the incriminating evidence, or so he
9 thought; letters, documents, all because of a case number that
10 he managed to write down. And the promise of evidence, which
11 he lied and claimed he didn't review, he reviewed a lot of the
12 evidence, not just the case number, he lied under oath and
13 these prosecutors sat there quietly, letting him lie to you
14 again.

15 This isn't about justice, we are not here to do
16 justice, this trial. This trial is about one thing and one
17 thing only; getting Chapo. Getting Chapo. Forget fairness,
18 forget justice, forget the law, forget the ethical
19 obligations. None of it matters, just get Chapo. If you let
20 them get away with it, when they come for you with this kind
21 of garbage, when they come for you or your loved ones, don't
22 complain. Just go quietly, because this group of prosecutors,
23 respectfully, and their group of cooperators, know what's best
24 for you, even if it means looking the other way when witnesses
25 lie to get it done. Remember that when you are back there

Summation - Mr. Lichtman

6766

1 deliberating soon. Remember how Jorge Cifuentes changed his
2 answer back and forth during that bit of cross-examination
3 about that legal phone call made from prison to Alex's burner
4 phone in Colombia. Remember they sat there and -- the
5 Government sat there and didn't utter a peep during that. It
6 was ridiculous testimony. The ends do not justify the means.
7 They don't. That's not the country I want to live in, and I
8 don't think it's the country you want to live in.

9 And if I can go back to agent Paul Roberts, who I
10 called as our witness on Tuesday. Agent Roberts made clear,
11 as I said, that he was surprised in the 2017 proffer session,
12 that Jorge told him that a U.S. Naval officer provided him a
13 USB drive with evidence against Mr. Guzman. This was evidence
14 that was provided to the American Government, according to
15 Jorge, every three months. Agent Roberts wasn't looking to
16 help me during that examination; I don't know if you noticed
17 that. It certainly was not all that helpful, he wasn't trying
18 be helpful, he didn't do me any favors. He admitted that he
19 was surprised, as I said, that an American agent could have
20 done such a thing. Well, as I said, if he was so surprised,
21 why didn't he say look, we've got to stop, we have to talk
22 about this. The United States Naval intelligence officer --
23 well, maybe the translator that made a mistake -- *Oficial de*
24 *Inteligencia Naval de los Estados Unidos*. It's really not
25 that difficult to figure out what you are hearing, right?

Summation - Mr. Lichtman

6767

1 Come on, you don't need a translator for that. The fact is,
2 according to Jorge Cifuentes, the American Government can be
3 crooked. He already told you his testimony about the crooked
4 DEA agents and leaks and sources that he had.

5 Anyway, because at least in this courtroom you can't
6 say that the Government is crooked without a massive protest,
7 but I thought it was an interesting scene to watch Prosecutor
8 Fels basically doing all that he could to damage the
9 note-taking skills of a seasoned FBI agent to make it appear
10 as if the agent made a mistake. Guess what? The American
11 Government, they are not perfect. Their agents can be crooked
12 sometimes. Does any of this surprise you that law enforcement
13 can be crooked? Do we live in the real world here, people, or
14 are we just going to pretend that they're perfect? They're
15 not. Agent Roberts was honest.

16 Now, there were so many errors, though, with the
17 notes. Remember Jorge kept saying, *you know, sir, your little*
18 *notes are wrong, your little notes are wrong, your little*
19 *notes are wrong.* Boy, they made a lot of mistakes, those
20 highly drained DEA and FBI agents. They must really be idiots
21 for this trial only; but when their note-taking was perfect,
22 oh, that evidence is perfect, convict the bad man. But Jorge,
23 sure, he must have been speaking in tongues and confusing the
24 note-takers, there was so many mistakes.

25 Jorge -- it's just incredible, Jorge couldn't

Summation - Mr. Lichtman

6768

1 identify one person in that organizational chart of the
2 leaders of the Sinaloa Cartel? Do you remember that? I
3 actually showed him all the pictures, every one of them. I
4 took a chance; I didn't know what he was going to say. It's
5 not like he's talking to me before the case starts in
6 preparation. I asked him, do you know any of these people?
7 One after one. He claimed that he was basically part of Mayo
8 Zambada's family at one point, but mistakenly claimed that
9 Cifuentes Carrillo Fuentes was Mayo. How can that even be?
10 This guy was like part of the family; he can't even identify
11 Mayo, he thought that Mayo was Cifuentes Carrillo Fuentes. I
12 mean, it just doesn't make any sense; show him a picture of
13 Mayo and he doesn't know who it is. I showed him that picture
14 of Mayo. He lived with the guy, *mi compadre*, doesn't know who
15 he is. How can that be?

16 But I can tell you the one picture that he can
17 recognize is Mr. Guzman's face; brought him into every
18 scenario, that's what he was trained to do. Either he hates
19 the man so much that he's thrown him into every one Jorge's
20 own criminal acts, in order to dirty him up, or he just needs
21 to get him convicted for his own selfish purposes. Makes no
22 difference. Do you know what makes a difference? As long as
23 he gets convicted, he gets that 5K1 letter in his mind. He's
24 been prepared for five years for his testimony here and he
25 doesn't know who Mayo Zambada is? It doesn't make any sense.

Summation - Mr. Lichtman

6769

1 And, of course, he said he doesn't want the man
2 convicted over there. Justice doesn't matter, right? Just
3 convictions. But that wasn't the worst part of Jorge's
4 testimony to reflect in my mind, the worst of the Government's
5 behavior of their actions in this case, solely an effort to
6 convict Mr. Guzman. That illegal phone call from prison, that
7 I thought was the most disgusting thing that the Government
8 witness lied about under oath, when they expect you simply to
9 ignore it and convict Mr. Guzman. We will get to that all in
10 a bit, but you didn't hear that that phone call during the
11 Government's summation yesterday, did you? When so many lies
12 came out in such a short period of time.

13 As for the tapes of Mr. Guzman that Jorge and others
14 described for you, *well, this is Mr. Guzman on the tape.*
15 Well, how do you know? Because I know, because I know him,
16 just like I know Mayo Zambada. But he doesn't know Mayo
17 Zambada. It's Mr. Guzman, that's it, so put him on the chart,
18 X, convicted. You are going to believe these people who have
19 lied every day of their lives, who have manipulated every
20 person in the system that they could; why do you have to
21 believe them that Mr. Guzman's voice is on the tapes, because
22 they say so? They would run over your mothers to convict that
23 man.

24 You are going to believe Christian Rodriguez? He
25 can't even pay taxes on the money that the Government paid

Summation - Mr. Lichtman

6770

1 him. This is a guy who committed massive crimes before he
2 even met Mr. Guzman. He didn't even get charged; then they
3 give him money to work, hundreds of thousands of dollars and
4 he can't pay taxes on that money, gets in trouble with the
5 IRS, gave him complete immunity from all of the drug dealing
6 and money laundering. Then he cheats on his taxes and they
7 give him immunity from that, too.

8 You are going to believe Pedro Flores? You're going
9 to believe Pedro Flores? He's in the back right now, probably
10 knocking up his wife again. Jorge lied almost immediately at
11 the beginning of -- I'm sorry, that was a bad one.
12 Spontaneous, wasn't in here. I apologize.

13 Jorge lied almost immediately at the beginning of
14 his cross-examination. He told the Government in the
15 briefing, November 30th, 2017, that his sister Lucia was not a
16 narcotics dealer, she was not in the business. Think about
17 this: In 2017, the end of 2017, he tells them that Lucia is
18 not in the drug business, except that Lucia had been in prison
19 since 2014 for what? For dealing drugs. So he knows that his
20 sister is in jail for dealing drugs three years earlier; three
21 years later, he tells them she's not in the drug business
22 serving an 11-year sentence. He was interpreting tapes for
23 them in which Lucia was on, talking about stolen drugs that
24 her son had stolen, 200 kilograms or so of cocaine, 225
25 kilograms that had been stolen. He's interpreting that for

Summation - Mr. Lichtman

6771

1 them in November of 2017 and saying that Lucia is not in the
2 drug business. Think how insane that is; it's mind-blowing
3 insane. Doesn't make any sense. He also testified that he
4 lied to Mr. Guzman via Jamie -- Jaime Roll Cifuentes, he said
5 Alex also tried to kill me, because Jaime ordered his
6 grandmother -- Jorge and Alex's mother -- kidnapped. And then
7 he got out of Alex that he used another one of his nephews to
8 try to kill Jaime, his cousin. So he was using one cousin to
9 kill another cousin, this is how utterly sick the Cifuentes
10 family is.

11 Here's an exchange with Jorge:

12 "Question: And your family was a very close family,
13 correct?

14 "Answer: Unfortunately, no. We had conflicts like
15 any other family, I assume.

16 "Question: You had conflicts that any normal family
17 can have.

18 "Answer: Yes. Gossip here, gossip there.

19 "Question: Like the time your brother Alex ordered
20 the murder of your nephew Jaime?

21 "Answer: That's correct.

22 "Question: So those are typical family issues, that
23 you had your brother ordering the murder of your nephew.

24 Now the reason why your brother ordered the murder
25 of Lucia's son was because Jaime had ordered the kidnapping of

Summation - Mr. Lichtman

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1 your mother?

2 "That's correct.

3 "So Jaime ordered the kidnapping of his grandmother?

4 "That's true.

5 "So you and Alex, you nevertheless used Jaime to
6 help you deal drugs?

7 "Yes, sir, that's correct."

8 Regarding his mother -- I mean, give me a break.
9 What kind of sick -- who -- you couldn't fabricate this, it's
10 so unbelievable. It's their witnesses, but believe them.

11 Regarding his mother, Carolina.

12 "Question: And you must go over there all the time
13 for advice on the smallest details of your drug trafficking
14 problems.

15 "Answer: No, sir.

16 "Question: She passed messages between the brothers
17 regarding drug-trafficking issues?

18 "Answer: Yes, sir.

19 "Question: You went to her for advise on drug
20 trafficking issues.

21 "Answer: That's correct, sir."

22 They lie -- that exchange actually happened, I
23 didn't fabricate that. They actually lie and get caught lying
24 two questions later and it's like nothing to them. The
25 Cifuentes brothers all lie and there's nobody better than

Summation - Mr. Lichtman

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1 them. They are so completely and utterly dishonest, so
2 utterly corrupt, that their older brother Pacho, who attended
3 a military academy as a child, ended up corrupting all of his
4 friends when they grew up and became big shots in the
5 military.

6 Here's another pack of lies from Jorge:

7 "Question: Part of your skills as a successful
8 narcotics trafficker is your ability to deceive people,
9 correct?

10 "Answer: No, sir.

11 "You don't think you need to lie when you're a drug
12 trafficker at your level?

13 "Answer: No, sir.

14 "Question: So you didn't lie in your everyday
15 drug-dealing activities?

16 "No, sir."

17 Sure as hell lied in here.

18 "And every time you used a credit card with a fake
19 name, that was a crime, wasn't it?

20 "I did not know.

21 "You didn't know that using a credit card and a fake
22 name is a fraud?

23 "No, sir.

24 "What about today, right now when you are
25 testifying, do you think that using a credit card and a fake

Summation - Mr. Lichtman

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1 name is okay?"

2 And then I had to say: *I can't hear you, Mr.*
3 *Cifuentes.*

4 "Answer: I really do not know. I do not know the
5 law in this country. I do not know."

6 Well, I can understand that. There are many
7 countries in the world where you can use credit cards with
8 fake names and it's perfectly, completely acceptable, but he's
9 unaware of the laws here. Could be okay, might not be okay.
10 He's been cooperating with them in America for what? Five
11 years? This is where his head is at? Come on. But he'll be
12 an American soon, living on the street free. They only bring
13 in the best.

14 Now Jorge had a fake names, fake identification,
15 fake travel documents, visas, passports, all fake; used them
16 without a moment of hesitation. Well, property in fake names,
17 other people's names, lied when he was a kid in order to get a
18 driver's license by claiming his date of birth was a year
19 earlier, which his parents knew about. He never graduated
20 from high school, but he bought a bunch of fake diplomas. Now
21 this was absurd.

22 "Question: What was the purpose of getting that
23 fake diploma under your real name? Was it to impress your
24 parents?

25 "Answer: No, to impress my colleagues at work.

Summation - Mr. Lichtman

6775

1 "Question: So this was a legitimate job or are you
2 talking about your work being drug dealing work?

3 "Answer: My drug trafficking work, of course."

4 My colleagues at work, like he walks in, punches his
5 time card at the bank, and this is my work. He's a freaking
6 drug dealer and he wants to impress his drug dealing friends
7 like they would give a damn if he's got a diploma? All they
8 care about is cocaine. But he admitted that he bought fake
9 diplomas and under fake names also to help him get fake
10 identification, and he used fake names to buy homes he lived
11 in, bought them with drug proceeds. When Jorge was living in
12 McCallen, Texas under a fake name in 1990, he bought a house
13 in a fake name, held bank accounts in fake names, and had two
14 tons of cocaine hidden in his house. Two tons of cocaine.
15 Two tons; 4,000 pounds of cocaine hidden in his house. Think
16 about that, how insane that is, and he had cash hidden behind
17 a mirror.

18 He only had two cocaine customers in America; one in
19 Houston and one in New York City. The customer in Houston was
20 named Willie, of course he didn't know his last name, and
21 Willie had drug ledgers in his house with Jorge's handwriting
22 in them; and when Willie was arrested, Jorge was then arrested
23 soon thereafter in Texas, under a federal narcotics case. Of
24 course, Jorge was arrested under fake name, Jose Luis Garcia
25 Ramirez, and the way he fooled the federal prosecutors in that

Summation - Mr. Lichtman

6776

1 case is that he claimed he was required to give a handwriting
2 example. Obviously, you would be able to see if the
3 handwriting matches the handwriting in the ledgers and see if
4 they could prove it was him. So what does he do? He uses his
5 left hand, the hand that he doesn't write with because no one
6 has ever thought of that before, that's his story. And
7 wouldn't you know it, the case disappears. The case gets
8 dropped. He fooled American prosecutors, just like them.

9 Now, he explained how the laws have changed. He
10 explained how this could have happened. He explained how the
11 laws have changed since the '90s, which allowed his case to be
12 dismissed. Now see if you can follow this: *The only*
13 *reference I have has to do with conspiracy, but can be a*
14 *misrepresentation of how the American law flies in Colombia,*
15 *having to do with criminal charges, and there are two*
16 *different systems. There is the Roman system, so for us, you*
17 *have to have a crime and when they catch you with the cocaine*
18 *in your hands. But the laws have changed and it's just they*
19 *can now charge you -- if somebody just explains, explains it*
20 *even though they may not catch you with the evidence, that's*
21 *my understanding, but as I said, that could be completely*
22 *ridiculous, I really don't know the law.*

23 This dude is nuts and that's their witness, not
24 mine.

25 When he was 18, Jorge went to prison on a weapons

Summation - Mr. Lichtman

6777

1 and murder charges, and while he was there he was paid to kill
2 another inmate and he tried with poison. Poison he couldn't
3 get, so forget about that; a knife, a gun, grenades. This is
4 what this utter animal was as a teenager, and that was brought
5 out on direct. While he was in prison, he was having sex with
6 one of the guard's wife.

7 Not only did Jorge bribe Colombian officials to
8 removes his records of having been in prison, but he also had
9 fingerprints removed from the database. But he won't lie to
10 you here, no, of course not. When Jorge got out of that
11 prison, he began working for Don Efra, a major drug lord in
12 Columbia. Don Efra asked Jorge to go to Mexico to run his
13 operation there; Jorge claimed that's when he met Mayo
14 Zambada, and he knew him well, and he became very close to him
15 is what he said. Of course, when it came to pick out his
16 picture, he said a picture of somebody else was him. I don't
17 know how that could have happened.

18 Regarding Humberto Ojeda, his drug dealing partner
19 and friend who he made hundreds of millions of dollars with,
20 which Jorge described was like a brother, but when Mayo killed
21 him, Jorge had no problem continuing to deal drugs with Mayo.
22 Mayo had shot Ojeda when he was driving with his child in the
23 car. The car was shot 40 times. Jorge had no problem working
24 with Mayo after this. This is the type of person we are
25 dealing with; he already had made hundreds of millions of

Summation - Mr. Lichtman

6778

1 dollars, his best friend, his brother, basically, was killed
2 by Mayo Zambada, but he needed more. He couldn't just say you
3 know what, dude, I'm out of this.

4 (Continued on the following page.)
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Summation - Mr. Lichtman

6779

1 MR. LICHTMAN: No, no, no. He's still dealing
2 drugs. Jorge claimed that after Ojeda was killed, he asked
3 Mr. Guzman in 2003 for a meeting with his good friend Mayo.
4 He told the Government that the reason he asked Mr. Guzman for
5 that meeting was Mr. Mayo Zambada was over concern for his
6 personal safety because common sense is if the man killed my
7 partner, Humberto Ojeda, he may be killing me, too, so I want
8 to make sure I'm not getting killed, that makes sense.

9 But that was a lie to the Government as we learned
10 during the testimony. A lie that Jorge told while he was
11 cooperating with the Government. And that lie made to into an
12 affidavit, extradition affidavit, for Mr. Guzman.

13 And on June 23, 2016, two years, two years after he
14 began debriefing with the Government, Jorge signed an
15 affidavit in support of the extradition and then he neglected
16 to mention that the other reason he claimed he wanted to meet
17 with Mayo Zambada was because he wanted to continue narcotics
18 trafficking in Mexico and needed approval. Here's the
19 exchange we had.

20 "QUESTION: That was in a June 23, 2016, isn't that
21 correct?"

22 "ANSWER: That's correct, yes."

23 "QUESTION: You let that stay, meaning, you let that
24 lie, stay, for all those years; correct?"

25 "ANSWER: Yes, sir."

Summation - Mr. Lichtman

6780

1 "QUESTION: The Government got mad about that, they
2 called you out on that, didn't they?"

3 "ANSWER: Yes, sir."

4 "QUESTION: They didn't rip up your cooperation
5 agreement, they signed it a year, a full year and change
6 earlier, did they?"

7 "ANSWER: Not yet, sir."

8 I don't want to hear on rebuttal, well, he gave one
9 of the reasons, he just didn't give both the reasons. He said
10 that they got pissed at him, called him out on it, it made its
11 way into an affidavit sworn under oath the same oath that he
12 took over there. It made its way into and affidavit against
13 Mr. Guzman while he was cooperating. Why wasn't he just
14 thrown out? You can't do this to us. You put an affidavit
15 into a court with a lie that you made under oath. We're not
16 going to use you any more, Jorge Cifuentes. To hell with you,
17 we're going to rip up your agreement. It never happened. How
18 sick is this?

19 THE COURT: Mr. Lichtman at a convenient point.

20 MR. LICHTMAN: Why not now.

21 THE COURT: Okay. We'll take our morning break,
22 ladies and gentlemen.

23 Please remember not to talk about the case at all.
24 We'll see you here at 10:20. Thank you.

25 (Jury exits courtroom at 11:07 a.m.)

Summation - Mr. Lichtman

6781

1 THE COURT: Mr. Lichtman, a couple of times used
2 kind of borderline language, vulgarities that I'd like you to
3 try to stay away from just a couple of times. Obviously, if
4 you're referring to the testimony, that's something else.

5 MR. LICHTMAN: Potty mouth.

6 THE COURT: Yes.

7 MR. LICHTMAN: Yes, judge.

8 MS. PARLOVECCHIO: May we have a sidebar, please?

9 THE COURT: Okay.

10 (Continued on the next page.)
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Sidebar

6782

1 (Sidebar conference held on the record in the
2 presence of the Court and counsel, out of the hearing of the
3 jury.)

4 THE COURT: Why are we at sidebar?

5 MS. PARLOVECCHIO: Because Mr. Lichtman, I believe,
6 violated the Court's order in regard to the selective
7 prosecution argument that you very clearly at the charge
8 conference said was not to be argued which is and I brought
9 the transcript. You stated Mr. Lichtman is not going to ask
10 the jury to draw the inference from those facts or from that
11 evidence that, in fact, the Mexican government, in conjunction
12 with the United States, or by itself is seeking to tie
13 Mr. Guzman with this in order to protect Mr. Zambada. Several
14 during times during his summation he mentioned Mayo Zambada,
15 bribes to the Government, and the Government is not going
16 after him for that and instead they're going after Mr. Guzman.

17 MR. LICHTMAN: I didn't say, Instead of going after
18 Mr. Guzman.

19 THE COURT: I was listening carefully. I don't
20 think he made the connection that I had prohibited. I think
21 he's close, but I think he's on the right side of the law.

22 MR. LICHTMAN: Thank you, Judge.

23 MS. PARLOVECCHIO: I think very close. I request
24 that if he goes any further that your Honor give an
25 instruction that the jury is to disregard that argument.

Sidebar

6783

1 THE COURT: If I think he violates my order, I will
2 definitely give that instruction, but so far I think he has
3 not.

4 MS. PARLOVECCHIO: Thank you, your Honor.

5 MR. LICHTMAN: Thank you, Judge.

6 (Sidebar discussion concludes.)

7 (Continued on the next page.)
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Summation - Mr. Lichtman

6784

1 (In open court.)

2 THE COURT: Recess, 15 minutes.

3 (A recess in the proceedings was taken.)

4 THE COURT: Bring in the jury.

5 MS. PARLOVECCHIO: Your Honor.

6 THE COURT: Yes.

7 MS. PARLOVECCHIO: During Mr. Lichtman's summations,
8 he's made some comments about to the jury about is this the
9 type of country you want to live in and, you know, casting
10 aspersions on the prosecution team. It's improper argument,
11 your Honor, and we would request that your Honor admonish
12 Mr. Lichtman from making any such arguments.

13 THE COURT: I can't really say he's made such
14 arguments. I will tell him not to make arguments of the form
15 that the Government just described. That would be improper
16 but I'm not sure he has.

17 MR. LICHTMAN: Thank you, Judge.

18 THE COURT: Okay. Let's have the jury, please.

19 (A brief pause in the proceedings was held.)

20 (Jury enters courtroom at 11:28 a.m.)

21 THE COURT: Be seated. Please continue,
22 Mr. Lichtman.

23 MR. LICHTMAN: Thank you, Judge.

24 When we took our break, we were talking about Jorge
25 Cifuentes lying in an affidavit used for the extradition of

Summation - Mr. Lichtman

6785

1 Mr. Guzman. I want to move on to something else. I know
2 there's a lot of details here. This was a long trial. So as
3 painful as it is for me to have to speak about it, I know it's
4 probably worse for you to have to listen to it. At least
5 that's what I've been told by people having to listen to me.

6 Now, Jorge, if you listen to his testimony, let his
7 brother Fernando kill Don Efrain the man who gave Jorge his
8 start in the narcotics trafficking world. Even though Jorge
9 was capable of getting Fernando to kill anybody he asked.
10 Remember Fernando killed Jorge's ex-wife's new boyfriend
11 because there was an issue with his child. And, of course,
12 Jorge didn't know the name of the man that he had killed. And
13 Fernando also had to ask permission from Jorge to kill someone
14 named Carlos Correa.

15 Now, Jorge not only lied and claimed he couldn't
16 stop the murder of Don Efrain he also claimed that he told the
17 Government he tried. Now, this is the guy, basically, has
18 Fernando killing anybody that he wants. But that one murder
19 he doesn't want to be responsible for.

20 But do you know that Jorge ran away to Australia
21 before the murder of Don Efrain. He knew it was coming. He
22 was smart enough to know that there was going to be
23 retribution. So, of course, he saved himself and Fernando and
24 his brother got killed.

25 Now, after Fernando Cifuentes killed Don Efrain, do

Summation - Mr. Lichtman

6786

1 you remember, as I said, Fernando was killed there was a huge
2 money grab by Don Efrain's people from the Cifuentes family.
3 I think it was \$15 million they had to come up with. And if
4 you recall the testimony, this was a small point, but I
5 thought it was important, that Jorge testified that they had
6 to get their overseas accounts taken away, too, in order to
7 pay back Don Efrain's people for the murder of Don Efrain by
8 Fernando. I thought that was interesting.

9 Overseas money. None of the drug dealers who
10 testified here as cooperators they all claim when we asked
11 them, Rey Zambada, the rest of them. Don't you have any money
12 overseas in other people's names? No, we don't have any of
13 that. So they don't have to give it to them.

14 But the truth is you heard when the rubber hit the
15 road when Don Efrain was killed and Fernando was killed in
16 response, Jorge Cifuentes managed to take out the overseas
17 money that Fernando had to pay Don Efrain's people. That's
18 what they had. You heard that from their money laundering
19 expert Semesky who said the drug dealers have money. They
20 have stashes where they're located, but they also have money
21 overseas. For some reason when forfeiture needs to get paid
22 back to the Government, none of the cooperators here no know
23 what I'm talking about overseas accounts.

24 Now, if you remember Jorge talked a man named Flaco
25 that he killed for stealing his drugs, but before he killed

Summation - Mr. Lichtman

6787

1 him, this was a crazy story, but before he killed Flaco he
2 claimed that Flaco had used his 70 crooked Mexican Federal
3 Police to try to kill Jorge. Jorge was paying these 70
4 crooked Mexican Federal Police to work for Flaco, Flaco used
5 them to try to kill Jorge. Jorge then paid, I think, it was
6 \$500,000 to those federal police to bring Flaco to him. That
7 was how sick and manipulative people are.

8 Now, he said I didn't bring them to kill him. I had
9 him brought to talk to him. Somehow when ever Jorge talks to
10 someone, the guy ends up dead. That's how it works. He
11 claims he blames his dead brother Fernando one of his workers
12 stabbed him to death according to Jorge, so I guess we have to
13 believe him because he would never lie to you. Jorge claimed
14 that it wasn't his fault and he said he felt bad about it
15 because he had promised Flaco's father on death bed that he
16 would watch out for his son. It's like you let that guy
17 promise you that he's going to look out for your son, of
18 course he's going to end up dead.

19 And Jorge lied to you about his legitimate mining
20 business and said that he had the Colombian Air Force fly him
21 around for this legit business and it was not fueled by drug
22 proceeds, legit business, so it was okay for the Colombian Air
23 Force to fly him around if you can actually believe this.

24 Then, of course, a few questions later he was forced
25 to admit that that legit business was on the Department of

Summation - Mr. Lichtman

6788

1 Justice's OFAC asset list to be sized and, in fact, the
2 company was seized by the Colombian government and suddenly he
3 admitted this was not a mistake for this fake legit business
4 to be on OFAC list and it was for good reason to be seized.

5 Jorge also killed someone who claimed to be the head
6 of the airport in Ecuador. This is such a great story that
7 made this story so colorful. He used crooked DEA connection
8 to get mugshot of the so-called head of the Ecuador Airport.
9 The guy was holding himself out as someone who needed to be
10 bribed so Jorge could move his drugs through the airport. It
11 ends up through a crooked DEA connection they found that the
12 man was actually a criminal and had a mugshot, and it was sent
13 to that man to show home, dude, this is your mugshot, you're
14 not the head of any airport.

15 So, of course, what happens when you lie to Jorge,
16 the man got killed and tortured by Jorge's man El Paisano.
17 But then Jorge killed El Paisano for what he believed was
18 taking the money from Jorge under false pretenses. The
19 reason, I'm bringing this up, this is not murder, he lured
20 this El Paisano to a warehouse where he was killed. The point
21 of this is that Jorge is not just a regular liar, he's the
22 kind of liar that's capable of tricking the most advanced
23 liars, other drug dealers, which means tricking you is like a
24 walk in the park. That's how he thinks he's been tricking
25 people his whole life, getting away with it, tricking

Summation - Mr. Lichtman

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1 sophisticated drug dealers, come on, you can't trick us.

2 About the DEA: Jorge admitted there were corrupt
3 members. This was nothing shocking. Use your common and
4 experience. You live here. Jorge learned that the DEA was
5 listening to his calls as he told his mother on a tape
6 recording -- a corrupt DEA agent had told one of his men. He
7 also testified that Dolly put him in touch with what he
8 thought was an American prosecutor. And he even paid someone
9 \$500,000 to hopefully make the American charges go away.
10 That's his thinking.

11 That's where his head is at. Whether it's true or
12 not, because know who if it's true, it just shows where his
13 head is at. That he thinks that the Government, this
14 government, could be on the take. That's interesting for a
15 guy like that to think that. That's interesting.

16 Jorge, and it was reported that that's what he
17 thought when no one like you are watching him. When he was,
18 you know, basically he didn't think anybody was listening in
19 he's having these thoughts that the American prosecutors are
20 going to be paid off. I don't think for a second that they
21 can be paid off. I can tell you that there's no way. To
22 them, there's no way, but to Jorge that's what he was
23 thinking. That's probably what he still thinks now that he
24 can fool the trick and they can be on it.

25 Now Jorge claimed to take a moral stand by gifting

Summation - Mr. Lichtman

6790

1 5,000 guns and 5 million bullets to a paramilitary group named
2 the AUC because enemy, because their enemy, the FARC, tried to
3 kidnap his parents. He told us he thought he was doing the
4 right thing. It was a big deal, that was one of the moral
5 stands that he took. He took two moral stands in his
6 testimony, both of them he immediately went back on. When he
7 needed cocaine, of course, he bought the cocaine from a
8 middleman who had gotten it from, you guessed it, the FARC.
9 And admitted that his morals were overcome by his need to buy
10 cocaine and sell that for a profit.

11 He also testified on direct, and this was another
12 one, that he was against the selling of meth. I mean, this
13 was almost surreal. Because it was bad for young people. But
14 sending hundreds of thousands of kilograms of cocaine to
15 America for use by young people is good for young people. But
16 meth, no, no, you're crossing the line there, that's a line
17 that I won't cross. Anyway, of course his moral stand
18 collapsed when he ran off to Venezuela and he need a few
19 bucks, suddenly, give me that formula for meth so I can sell
20 it to young people so I can make some money. That's the
21 point: He will do anything that he needs to to get what he
22 wants.

23 And finally, Jorge admitted that by sending more
24 than 200,000 kilograms of cocaine into America, the only way
25 he avoids dying in prison is by pleasing the Government and

Summation - Mr. Lichtman

6791

1 getting that 5K1 letter. Yet, he claimed he doesn't think a
2 conviction on Mr. Guzman will help him get that 5K1 letter. I
3 know I'm belaboring that point, but it's such an obvious lie.
4 Come on, we know that's a lie.

5 The last thing he testified about. I saved this for
6 last because I thought it was the best line and I hope you're
7 not disappointed was the call that he made to his brother Alex
8 in prison while he was cooperating in January of 2015 after he
9 promised not to do anything illegal or lie to the Government.
10 But, of course, he did and this 15-minute phone Alex on the
11 illegal phone according to Jorge, was just a plea to get Alex
12 to cooperate. That is a lie as we know it because we learned
13 from Alex who testified that Jorge asked him to help locate
14 the "Jewish target."

15 Now, if he's only talking about him to get him to
16 cooperate because he's trying to make himself look good in
17 front of you. Alex, I'm sure, was lying as well.
18 Unfortunately for him, said to the Government, well, you also
19 asked me about locating the "Jewish target." He's trying to
20 get help in his cooperation.

21 Now, if he's trying to get, I just thought of this,
22 if he's trying to convince Alex to cooperate, why would he ask
23 him about locating the Jewish target? It sounds like they're
24 already cooperating together. Why would Alex? He would say
25 are what are talking about, I'm not cooperating. I'm not

Summation - Mr. Lichtman

6792

1 going to help you cooperate. Lie from Jorge. Lie from Alex
2 in response. Two lies.

3 So we don't know what actually occurred during that
4 phone call because, as per the prison protocol, the tape of
5 the call was kept for six months and then destroyed. We heard
6 about that from their witness, America Pina, who works for the
7 Bureau of Prisons. She testified that calls are recorded,
8 every call from prison, from inmates are recorded and saved
9 for six months and then get automatically deleted.

10 So we don't won't get very important call, and I
11 think it's a very important call, because they could be
12 talking about their testimonies in the future or what they
13 know to get their stories straight. This was a crucially
14 important phone call, but we're not going to get that tape
15 because the tape was allowed to be destroyed. They allowed it
16 to be destroyed and we'll never know what happened.

17 Jorge claims, let's take him at his word for this.
18 He claims that he told the prosecutor within a day or two what
19 he had done. So six months is 180 days. He says he told them
20 on day two or three, let's say. So that gives them, what, 177
21 days to get that tape and find out what was on it. They
22 didn't do it. They didn't do it. Why didn't they do it?
23 Should we be able to hear what two of their cooperators were
24 talking about for 15 minutes? Is it better to just let it get
25 destroyed? Who does that help? Does it help truth? Does it

Summation - Mr. Lichtman

6793

1 hope justice? Does it help you? Does it help him? Helps one
2 party, the Government.

3 In addition, Luisa Fernanda, the Colombian lawyer
4 who gave Alex's burner cell phone number to Jorge to put on
5 his list so he call Alex. That was a crime, obviously. She
6 was permitted to see Jorge in prison for two years almost,
7 like 23 months after that call was made. So if the Government
8 learned within a day or two that Luisa Fernanda committed a
9 crime by giving this burner cell phone number to Jorge to use
10 to call Alex in prison, why would they allow Louisa Fernanda
11 to visit him and pass messages to Jorge. What does it
12 suggest? This is pretty obvious. They knew about it and yet,
13 they allowed this criminal to continue to visit him. And he
14 said that, as I said, he passed messages to this woman.

15 You're suggesting, you're looking at me and saying
16 what is this guy saying is he staying the Government was in on
17 this? Of course they were in on it. They allowed the call to
18 be made. They allowed the call to be destroyed, the tape of
19 it. And they allowed the criminal, Louisa Fernanda, to
20 continue visiting.

21 Now, America Pina from the Bureau of Prisons
22 testified that before an inmate is allowed to call anybody,
23 they have to submit names and a numbers. And she testified
24 that the number of the persons associated with the person on
25 the list has to be verified. She said that, she testified to

Summation - Mr. Lichtman

6794

1 that. The Bureau of Prisons had to ensure that any number
2 that the inmate is calling is actually the person. Otherwise,
3 they could be calling drug dealers. They had to check every
4 number. So remember when Jorge testified that Carlos Real,
5 his attorney, had a real number, his Colombian attorney, and
6 then the burner cell phone number that Luisa Fernanda gave him
7 was substituted in for Carlos Real's name. So a fake Carlos
8 Real number was put next to Carlos Real's name. And America
9 Pina said they check every number to make sure that the number
10 is actually the person to the inmate is calling. Didn't
11 happen this time. Tape of the phone calls, destroyed. Luisa
12 February Fernanda continues to be able to visit Jorge
13 Cifuentes even though she's committed a crime is passing
14 messages. Carlos Real's fake burner number somehow manages to
15 get through the BOP without being checked and to show it was
16 not Carlos Real's number.

17 Why is it the rules are played fast and loose when
18 it comes to Mr. Guzman? What reason? Got to get him.
19 Doesn't make a difference how we do it. If we got to cheat,
20 we're going to do it. If we got to let criminals talk to each
21 other, we're going to destroy tapes. If we're going to let a
22 criminal visit another criminal in jail for two years after we
23 know that she's a criminal to pass messages, that's what it
24 takes. We're going to do it. Who cares if justice is the
25 game here. Doesn't make a difference.

Summation - Mr. Lichtman

6795

1 And when I asked Jorge about this crime making this
2 illegal phone call, he wouldn't even admit that this was wrong
3 at first. Not the changing of the phone number of Carlos
4 Real, not calling Alex. Cooperation agreement wasn't ripped
5 up. He claimed he was told not to do it again. Bad boy. You
6 committed a crime, don't do it again. Well, you know, if you
7 don't punish them when they do something wrong, this is like
8 having a talk with your children. If you don't punish them
9 when they do something wrong, what happens? They're just
10 going to keep doing it again.

11 And, you know, if you remember what happened was he
12 then lie on that affidavit, the extradition affidavit, for
13 Mr. Guzman a year later of the. What's going to happen to
14 him? He just committed a crime in prison. Nothing happened.
15 Like anybody gives a damn. Who cares.

16 And this is not the only cooperator to not be
17 punished for committing crimes for lying while cooperating. I
18 mean, we've heard about this from other one that testified.
19 Jorge lied and claimed, and this was a bizarre bit of
20 testimony, and I hate to belabor this, but this is my only
21 chance to speak to you all. This is it. When I sit down, I
22 mean, I have to sit down and that's the end. So I want to get
23 to in all and I apologize it's so much, so much detail.

24 Jorge claimed that he believed he had permission to
25 make this call from prison from the prosecutor is what he

Summation - Mr. Lichtman

6796

1 said. Listen to this garbage and the lies that he said. You
2 have to follow this. Are any of you old enough to know about
3 Abbott and Costello. Who's on Third? Okay. There's one,
4 two. Anybody else? I'm not looking at you. But who is on
5 third was like you listen to these gibberish.

6 "QUESTION: When you initially said that you thought
7 you had permission to make this -- to do this fraud and
8 make this phone call?"

9 "ANSWER: Yes, sir, that's correct."

10 "QUESTION: Who did you claim gave you that
11 permission?"

12 "ANSWER: The Government, the prosecutor."

13 "QUESTION: So you claim that I prosecutor gave you
14 permission to falsely change the number of Carlos Real
15 in your numbers in prison and make a phone call to a
16 smuggle cell phone in Colombia?"

17 "ANSWER: No, sir."

18 "QUESTION: Did the prosecutor give you permission
19 to do this?"

20 "ANSWER: No, sir."

21 "QUESTION: You didn't just testify you were given
22 permission by prosecutor?"

23 "ANSWER: No, sir."

24 "QUESTION: Well, you said you told the Government
25 that you thought you had permission to make phone call."

Summation - Mr. Lichtman

6797

1 "ANSWER: Yes, sir."

2 "QUESTION: Who gave that you permission?"

3 "ANSWER: No one."

4 "QUESTION: That was a lie, correct?"

5 "ANSWER: I did not remember. That's a confusion
6 not a lie."

7 "QUESTION: What is the confusion about?"

8 "ANSWER: It was not clear to me whether I had made
9 the call before or after notifying the Government.

10 How is he going to notify the Government about
11 making a call when he's not supposed to make it before he
12 makes it.

13 (Continued on the next page.)

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Summations by Mr. Lichtman

6798

1 MR. LICHTMAN (CONTINUED):

2 Question: You told the Government that you
3 believed you had permission at first to make this phone
4 call, didn't you?

5 Answer: That's correct.

6 Question: And who did you tell them you had
7 permission from?

8 From the Government and my lawyer.

9 Your lawyer gave you permission to do this?

10 No, sir.

11 Sir, you said that your lawyer gave you
12 permission, correct?

13 I thought that I my lawyer had given me
14 permission, but the truth is I had no permission. I made
15 the call and I'm guilty of that crime.

16 So you lied to the Government when you said that
17 your lawyer had given you permission?

18 No, sir.

19 Then your lawyer didn't give you permission?

20 No, sir.

21 You told the Government that you believed that the
22 Government gave you permission to make this phone call;
23 that's what you just said?

24 Answer: That's correct.

25 Which prosecutor gave you permission?

Summations by Mr. Lichtman

6799

1 No prosecutor gave me permission.

2 You falsely accused people, didn't you?

3 I made a mistake, yes, sir.

4 You falsely accused people, didn't you?

5 No, sir.

6 That is just pure unadulterated gibberish lies.

7 No one stopped it. No one said, We've had enough. We don't
8 need this. We're honest. The prosecution's honest. You
9 might have been impressed with that, right? He was allowed
10 to stay on.

11 Jorge testified about rolling Mr. Guzman's fancy
12 blue helicopter off the cliff to get the insurance money.
13 Do you remember? Blamed it on Mr. Guzman. Where's the
14 documents supporting this? How about anything? Supposedly
15 he was involved in the insurance scam. Couldn't he at least
16 pointed to the insurance company for the Government to get
17 something to support this as opposed to his lying mouth?
18 How about something? Payments made to some entity that
19 Mr. Guzman controlled some claim? Something? It's not like
20 the -- it wasn't a real insurance company that paid off all
21 this money for a broken helicopter?

22 And similarly, where were the recordings -- or
23 excuse me, the records of all the people Mr. Guzman killed?
24 I mean, he killed like a zillion of them is what they're
25 saying here. Memin testified a few days ago that Mr. Guzman

Summations by Mr. Lichtman

6800

1 put guns up to two men's head and shot them and had them
2 dumped in a hole and set on fire. How about a single piece
3 of paper just showing that these people were missing, at
4 least. I mean, this is Mexico. This isn't like, you know,
5 Mars. I mean people disappear there's got to be some notice
6 of them disappearing. Do they have anything? Anything?
7 Anything? Nothing. Any of them.

8 Any of the people that Mr. Guzman supposedly
9 killed. We have to trust the word of these lunatics that
10 testified here.

11 Now regarding Pedro Flores. We're done here,
12 relax.

13 Pedro Flores. He claimed that the rolling stone
14 interview with Mr. Guzman, you saw that with his fancy shirt
15 on, was a different voice than the voice on the taped call
16 that Mr. Flores claimed he made of Mr. Guzman. Somehow
17 Mr. Flores then claimed that the Government tested the
18 voice. He said they tested the voice and their testing
19 indicated that it was the same voice. Only one problem with
20 that testimony is that it was a lie. It was completely
21 fabricated. It was made very clear during this case that
22 the Government did no such test. And we learned that there
23 actually is science on testing voices, apparently if they're
24 they same, spectography, I think is what it's called. No
25 voice analysis was done for any of the tapes. Flores

Summations by Mr. Lichtman

6801

1 claimed that he didn't commit a fraud on the Government when
2 he was selling drugs without telling them at the same time
3 he was cooperating. Then a question later he admitted that
4 he lied to the Government when he did this. It wasn't a
5 fraud. It wasn't a fraud, just a lie he said.

6 That's their witness, not mine. No punishment for
7 lying to them, the cooperation continues as long as they can
8 get that conviction of Mr. Guzman.

9 Then Pedro Flores testified that he turned in his
10 childhood friend who become drug dealers. He claimed he had
11 to.

12 And one of those friends got 292 months in prison
13 for distributing Pedro's drugs. I can tell you who's not
14 getting 292 months, Pedro Flores is not because all he cares
15 about is himself and these people are just fodder. Doesn't
16 make a difference, they can rot in hell as long as we get
17 Mr. Guzman nobody cares about the, right? We don't care
18 about them. They don't have families, nobody cares. Pedro
19 dropped a dime on them, he's going to be out of jail very
20 shortly.

21 And a lot of these, they're all working, they're
22 low-level people. They're all going to end up spending more
23 time in jail than him. This is a guy that broke every rule
24 that he could in prison. Impregnated his wife while
25 proffering with the Government, I know it's hard to believe.

Summations by Mr. Lichtman

6802

1 He dealt drugs behind the Government's back. I suppose he
2 had to do that as well. It wasn't like he was scared
3 straight because if you don't get punished for your bad act,
4 you keep doing it again. He kept on breaking the law
5 because he knew he could get away with it. And as he told
6 you, I have a hard time following the rules. That's what he
7 said.

8 Why is that allowed without any punishment? I
9 mean, what would happen to you if you broke the law? You
10 think you would go unpunished? You better hope that you
11 have a Chapo to turn on. Well, what do you think would
12 happen to you? It's uncomfortable, isn't it, to think
13 about? This guy gets away with anything he wants. If you
14 did it, it wouldn't turn out so well for you.

15 Remember Pedro testified that he was having a
16 problem with another inmate, said he might have some mental
17 issues. All I'm thinking as I'm sitting there, who has the
18 mental issues, the other inmate or you, man?

19 Now, this Rudy Rangel murder that Pedro Flores
20 denied. Did anybody actually believe that he didn't kill
21 Rudy Rangel? I mean, that was kind of a funny one. I tried
22 not to laugh. Pedro called Rudy a thief who had stolen
23 200 kilograms of cocaine from the Flores brothers. What a
24 coincidence. Rudy had a tattoo on his chest of a woman he
25 loved who ended up leaving him for, wait for it, Pedro's

Summations by Mr. Lichtman

6803

1 brother, Margarito.

2 MS. PARLOVECCHIO: Objection.

3 THE COURT: Is there an objection?

4 MS. PARLOVECCHIO: Yes, your Honor.

5 THE COURT: Well, the court reporter didn't hear
6 it and I didn't hear it.

7 Let's have a sidebar, please.

8 (Continued on next page.)

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Sidebar Conference

6804

1 (The following occurred at sidebar.)

2 THE COURT: What is the objection?

3 MR. FELS: This is the same issue that they said
4 that they weren't going to go down.

5 THE COURT: What did he say that you objected to?

6 MR. FELS: When he said he had the tattoo of
7 this --

8 THE COURT: The brother's wife?

9 MR. LICHTMAN: I never mentioned him.

10 THE COURT: Stop.

11 What did he say to which you object?

12 MR. FELS: He started talking about the fact that
13 Rudy Rangel had the name of Pedro Flores's wife on the
14 chest.

15 THE COURT: Oh.

16 MR. FELS: And remember, this was the whole issue
17 that we're --

18 THE COURT: Yes.

19 MR. LICHTMAN: Margarito Flores.

20 MR. FELS: That's the brother.

21 THE COURT: Yes. You were not supposed to get
22 into that.

23 MR. LICHTMAN: Why is that?

24 THE COURT: We had a pretrial ruling on it.

25 MR. LICHTMAN: Is it just my --

Sidebar Conference

6805

1 THE COURT: We are not going to relitigate this.

2 MR. LICHTMAN: No, no, I'm not.

3 THE COURT: The alleged --

4 MR. LICHTMAN: I just want to --

5 THE COURT: The alleged connection between the
6 brother and the sister-in-law was put off limits. Okay? Go
7 back and read the ruling, but do not do it again.

8 MR. LICHTMAN: Okay. Thank you, your Honor.

9 THE COURT: Also I have got to tell, you know, it
10 is one thing to say the Government did not do an effective
11 investigation. I have no problem with that.

12 You are saying the Government deliberately put
13 liars on the stand, is that what you are saying?

14 MR. LICHTMAN: Well, I'm not saying they
15 deliberately put them on. I'm saying that when they lied,
16 they didn't stop them.

17 MS. PARLOVECCHIO: Your Honor, I think
18 they're actually --

19 MR. LICHTMAN: That's different.

20 MS. PARLOVECCHIO: There were statements that we
21 deliberately -- sworn perjury.

22 MR. LICHTMAN: I said that --

23 MS. PARLOVECCHIO: I mean, that's --

24 MR. LICHTMAN: -- I didn't say you put people on
25 the stand to lie. I said --

Sidebar Conference

6806

1 THE COURT: You are very close to saying that the
2 Government supported perjury. And if you do that, I am
3 going to shoot down that argument with an instruction in a
4 way that will not look good for you in front of the jury.

5 MR. LICHTMAN: I understand.

6 THE COURT: So I strongly suggest that you not do
7 that.

8 MR. LICHTMAN: What I -- again, what I said was
9 not that they purposefully put liars on the stand, but that
10 they put people on the stand who then lied and they didn't
11 stop it.

12 THE COURT: I am not sure "and they didn't stop
13 it," is any different than saying they knowingly --

14 MR. LICHTMAN: Fair enough.

15 THE COURT: -- did it. Okay?

16 MR. LICHTMAN: Fair enough. And that was the
17 distinction I was trying to make. It wasn't --

18 THE COURT: Okay.

19 MR. LICHTMAN: It was wrongful --

20 THE COURT: On a couple of occasions, you did not
21 make that distinction. Please keep it in mind.

22 MR. LICHTMAN: Thank you.

23 THE COURT: Okay.

24 (Continued on next page.)
25

Summations by Mr. Lichtman

6807

1 (Sidebar ends; in open court.)

2 MR. LICHTMAN: The testimony in the case came out
3 that Rudy Rangel's former girlfriend --

4 MR. LICHTMAN: Judge, if I run afoul, let me know.
5 This is definitely the --

6 THE COURT: Let's go back to sidebar because you
7 already have.

8 (Continued on next page.)

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Sidebar Conference

6808

1 (The following occurred at sidebar.)

2 MR. LICHTMAN: This was testimony that came out on
3 cross Mr. Purpura did from Mr. Flores about the trip that
4 Margarito Flores took.

5 THE COURT: What was prohibited by the pretrial
6 order was the use of the name. You used the name.

7 MR. LICHTMAN: Oh, oh, oh.

8 THE COURT: Okay?

9 MR. LICHTMAN: You mean the Flores brothers.

10 THE COURT: Yes.

11 MR. LICHTMAN: That's not --

12 MR. FELS: It was actually the use of the wife's
13 name, which is --

14 MR. LICHTMAN: I didn't use the --

15 THE COURT: The wife's name.

16 MR. LICHTMAN: I didn't use the wife's name.

17 MR. FELS: Right. Which is what we're trying
18 to --

19 MR. LICHTMAN: I didn't use the wife's name.

20 THE COURT: I thought you did.

21 MR. LICHTMAN: I did not. I absolutely did not.
22 I just said the wife's name period. I didn't say what here
23 name was, because I don't even remember what her name was.
24 That was the only one.

25 MR. FELS: This is the concern that we have: It

Sidebar Conference

6809

1 shouldn't have gotten any --

2 MR. LICHTMAN: But I didn't --

3 MR. FELS: -- across any --

4 MR. LICHTMAN: But I didn't say the name. I don't
5 remember the -- there was a number of issues. I never said
6 the wife's name.

7 THE COURT: Okay. I thought I heard the name.

8 MR. LICHTMAN: That was the only issue?

9 THE COURT: If I'm mistaken, then you are okay.

10 MR. LICHTMAN: No, I absolutely -- I don't even
11 know her name.

12 THE COURT: Just steer clear --

13 MR. LICHTMAN: Of course. Of course.

14 THE COURT: Just steer clear from --

15 MR. LICHTMAN: But I don't know the name.

16 MR. FELS: Fair enough.

17 (Continued on next page.)

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Summations by Mr. Lichtman

6810

1 (In open court, sidebar ends.)

2 MR. LICHTMAN: Listen for a second. It's about
3 the Rudy Rangel, the thief who stole 200 kilograms of
4 cocaine from the Flores brothers. Mr. Rangel had a
5 girlfriend and he had a -- I assume he had a tattoo on his
6 chest with the name of the woman that he loved and who ended
7 up leaving him for Margarito Flores, the cooperating Flores
8 brothers who is now his wife. Somehow the man ended up dead
9 within six weeks of this murder and Pedro's brother,
10 Margarito spent \$200,000 on a party with Rudy's girlfriend
11 and then they left for Mexico together.

12 Well, we have to believe Pedro when he claims he
13 had nothing to do with the murder. The man stole
14 200 kilograms of cocaine from them, Margarito then stole the
15 man's girlfriend whose name was emblazoned on his chest and
16 wouldn't you know it, the man ends up dead. And, come on,
17 who can believe that? Pedro Flores put a number of houses
18 in other people's name out of the reach of the Government.
19 He testified here that the Government can't get their hands
20 on them all. All bought with drug proceeds, as he said,
21 and the Government didn't demand that he turn those houses
22 over to them as criminal forfeiture, and you have to try to
23 figure out why that is.

24 Pedro talked to the Government about the assets of
25 Mayo Zambada but couldn't say a word about any assets of

Summations by Mr. Lichtman

6811

1 Mr. Guzman because there was none that he could talk about.

2 Now, the Flores brothers wives wrote a book
3 exploiting Mr. Guzman sole for money. There it is up on the
4 screen, which means because the wives wrote it and it's in
5 their names, just the cover, the money is going to stay with
6 the Flores brothers' wives. The Flores brothers are going
7 to be able to enjoy that money but because it's in the
8 names, was earned by the wives, that's going to be exempt
9 from the Government's getting their hands on it. Book
10 deals, movie deals, all money is kept in the Flores family
11 and not given to the Government. And who is on the cover of
12 this book that they're exploiting? Who is that?

13 Mr. Guzman. How crazy is this? A million bucks, a million
14 bucks the Flores brothers are getting because their wives
15 are selling Mr. Guzman. And now they're testifying, Pedro's
16 testifying also exploiting Mr. Guzman. Freedom money, boy,
17 he can sure supply a lot, can't he?

18 Now I'm not going to go into anymore or mention it
19 too many times as it is about Pedro being allowed to have
20 sex with his wife, not being allowed, but he did it and got
21 away with it and wasn't punished. Twice it happened.

22 You know, he's a human being, too. You've seen
23 him, you've seen his demeanor. They asked you to look at
24 the demeanor of the cooperators when they testify. Well,
25 you've been watching him for three months too. Pedro Flores

Summations by Mr. Lichtman

6812

1 is having sex with his wife in a bathroom while he's
2 debriefing and Mr. Guzman, he can't hug his daughters. He's
3 a human being too. He's got feelings too. He's a man that
4 cares about his kids too.

5 You saw.

6 Now Pedro testified about putting money into other
7 inmates commissary accounts. It's against the rules. He
8 said he did it, did it twice, got caught, kept doing it. He
9 doesn't care, received no punishment. No good time was lost
10 on his prison sentence, not a single day. He claims because
11 all the acts were small. And I guess he gets gold stars for
12 all the things that he's done.

13 We heard from DEA research specialist Adrian
14 Barazza, who testified that she received the digital
15 recorders from Pedro Flores and the Flores brothers when
16 they were in Mexico. They weren't DEA recorders. These
17 were Flores brothers' recorders. Narco traffickers who
18 commit crimes and lie every day recorders. When he was
19 trying to set people up for the DEA to benefit himself.
20 Barazza naturally told us that they did nothing to analyze
21 the tapes that were downloaded from the recorders. Why
22 analyze them, they help us get Chapo, that's all right, no
23 need to analyze anything. They downloaded everything they
24 could off a phone, couldn't verify it, check for
25 alterations, nothing, period, nothing.

Summations by Mr. Lichtman

6813

1 Now Vicente Zambada, we heard from him that when
2 he was in an American prison before he began cooperating, he
3 was kept in a special housing unit for two years and
4 admitted that he was tortured. His words, not mine.
5 Horrendous conditions. Isolated, could not speak to any
6 other prisoners. Did everything in his cell, ate, went to
7 the bathroom, total isolation. The mail he received
8 sometimes came months later. He wasn't allowed outside the
9 cell, slept on a thin mattress. He was served cold food.
10 What does that get for the Government giving somebody cold
11 food, thin mattress? You know, they're torturing him.
12 That's what he said. His words, not mine.

13 MS. PARLOVECCHIO: Objection.

14 THE COURT: Sustained. The Government did not
15 torture anyone. Anyone held by the Government if their
16 constitutional rights are violated, there's a remedy for
17 them to have their rights vindicated. That has not
18 happened. If you want to make the point that he was under
19 duress and strong conditions, you may make that point.

20 MR. LICHTMAN: Vicente Zambada testified here that
21 he was tortured. That was his testimony. Period. That was
22 his testimony.

23 Now this was during the period that he was not
24 cooperating. Once he began cooperating, it all changed.
25 Different treatment than Pedro Flores and his conjugal

Summations by Mr. Lichtman

6814

1 visits before Vicente began cooperating. Vicente claimed in
2 crying calls to his wife that he was dead inside. No sun,
3 no contact with other inmates, no life. Once a month phone
4 call for two years. He saw his wife once in the two years
5 when he was in the special housing unit, one visitor. His
6 kids could not visit him. One visitor in two years. Total
7 isolation. The admitted that he was affected
8 psychologically. He claims he was tortured. That's what he
9 said under oath here and he was only let out of the special
10 housing unit when he began cooperating. That was his
11 testimony here.

12 And what did they get when Vicente Zambada began
13 cooperating? When he finally began cooperating after he was
14 let out of his horrendous conditions that he was in? They
15 got somebody that would help them got Chapo. That's crazy,
16 I respectfully submit.

17 Vicente testified that Mr. Guzman was not doing
18 well economically when he got out of prison in 2001. So he
19 was in prison from '93 to 2001, didn't make any real money,
20 obviously. He got out and didn't have any money. From 2007
21 to 2013, according to Alex Cifuentes he was in debt 20
22 million. He was arrested the next year, escaped, 2014 to
23 '15. Where's all the billions of dollars? Whatever we
24 hear, he's got no money then, he's got no money for this
25 six-year period, he's got two PVs, he's got a wooden plant

Summations by Mr. Lichtman

6815

1 for a bed. They didn't seize any of the money because they
2 couldn't find anything. There was nothing to seize. He
3 wasn't even paying his workers. What was that for, so I
4 could use it in summation many years later?

5 Now with regard to the sticky bit of testimony
6 from Vicente about his father, Mayo, that the gave the
7 Government Mayo's location with the geographic coordinates
8 of his hideouts and other places he could be to find him.
9 His father was a fugitive and had a 5 million-dollar bounty
10 on his head. They said the Government also had Mayo's
11 brother and other sons in their stable of cooperators. They
12 called Mayo when they wanted to help him speak to Vicente to
13 get him to cooperate, maybe. Mayo's wife openly runs a
14 business in Mexico. Mayo is still out there. Vicente
15 admits he speaks to his mom on the phone from prison here,
16 they can't find Mayo. The Mexicans don't want Mayo
17 arrested, respectfully, it's because he's paying them huge
18 bribes. He's paying everybody from the local beat cop in
19 Sinaloa up to the presidents of Mexico. The Air Force, the
20 Marines, the judges, you name it. Every one of them, every
21 politician is made rich by Mayo Zambada. So who becomes the
22 fall guy when Mayo is protected? Who becomes the focus of
23 the hunt by default, Joaquin Guzman. Everybody wants the
24 famous Chapo who can't keep his mouth shut from going on --
25 doing TV interviews, writing books, embarrassing the

Summations by Mr. Lichtman

6816

1 Government over there. Can anybody really say with a
2 straight face that this is the leader of the Sinaloa Cartel
3 and not Mayo? Why such a disparity in the way that they're
4 treated and the way that they acted? Let them answer that
5 on rebuttal because I didn't hear it in the opening
6 summation.

7 Vicente Zambada didn't turn over a cent of his
8 ill-gotten gains, despite pleading guilty seven years ago.
9 He admitted that he's never paying them \$1.6 billion off.
10 He's not paid a penny in seven years and he told you why,
11 because the Government didn't ask for any of the Mexican
12 property. The Government didn't ask for it, apparently they
13 don't want it, although he and his wife are on the
14 Department of Justice OFAC list, which means they can't use
15 their banking system, their accounts are frozen. It's what
16 one of the other witnesses called a civil death, but
17 Vicente's wife was allowed to come to America with \$400,000,
18 deposit it into a bank account in her name and they're
19 permitted to use it. None of that went toward the
20 forfeiture number. Because I respectfully submit it's a
21 sham, it's prop to get you to convict him, to make it seem
22 as if the Zambadas actually have something hanging over
23 their head. And Vicente's wife was taken off the OFAC list.
24 This is what cooperating gets you, whatever you need.

25 And although Vicente had two separate federal

Summations by Mr. Lichtman

6817

1 cases with two separate conspiracy charges, he's only be
2 sentenced on one of them he testified. The other one is
3 poof, gone. Vicente admitted that he's not being sentenced
4 for his crimes until the end of February. That's only a
5 month this year and weeks after Chapo is hopefully
6 convicted, I suppose, is maybe the timing, you figure it
7 out. The Government can see how well he performed here
8 before he's sentenced.

9 Did he get his Compadre Chapo convicted? You know
10 he's not going to testify against any other Zambada,
11 certainly, not on Mayo Zambada. And Vicente is not required
12 to testify against him. You can look at his agreement.

13 Now Vicente recounted a lot of what his papa,
14 Mayo, told him that became evidence in this case. Almost as
15 if Mayo was in this courtroom. Well, he's smiling
16 somewhere, he's just not here.

17 Vicente is here for one reason and one reason
18 only. That's why he's in America. He's here to get
19 Chapo Guzman. Now you heard from Vicente, this Narco
20 trafficker killer who admitted to bribing police
21 prosecutors, military. He was the witness who used
22 Compadre Chapo about a million times in his testimony,
23 bizarre. Making it appear, I suppose, A, that Mr. Guzman
24 was involved in every last thing that he did but, B, that he
25 was so close to Mr. Guzman you have to believe he's telling

Summations by Mr. Lichtman

6818

1 the truth because we were so close. He was my compadre.
2 And the -- Vicente testified that no one in the Mexican
3 public basically knew who Chapo was before the beloved
4 Cardinal was killed in 1993 at the Guadalajara airport.
5 Here's an exchange that he had with Mr. Balarezo.

6 Question: And you know once again from living in
7 Mexico at the time, from big in the business at that time,
8 that prior to the murder of the Cardinal Ocampo, the Mexican
9 public at large had no idea who Compadre Chapo was, correct?

10 Answer: Yes, sir.

11 It was only when news blew up Chapo hit the
12 spotlight, right?

13 Yes, sir.

14 The Cardinal was killed, Chapo was blamed and
15 Vicente admitted that Chapo didn't even do it.

16 Mr. Guzman became infamous for it even though he
17 didn't do it. His picture was all over the television and
18 newspapers, billboards and Mr. Guzman was the subject of a
19 manhunt, and a few weeks later he was captured and brought
20 to jail and he didn't do it.

21 Arellano Felix's men did it. Are you surprised
22 that Mr. Guzman felt he had to escape in jail with the
23 corrupt Mexican government and he escaped in a laundry cart
24 and he blew up even bigger publicity-wise, according to
25 Vicente, unlike Mayo who hides in the shadows, according to

Summations by Mr. Lichtman

6819

1 Vicente.

2 You heard from Vicente that he believed that the
3 American and Mexican Governments made a public campaign to
4 raise Mr. Guzman's profile. He said it, not me. That the
5 American and Mexican Governments made a public campaign to
6 raise Mr. Guzman's profile. To make him public enemy
7 Number 1 and they chased him for decades and here's the
8 result. That's from the calls he made with Mayo while he
9 was in prison. Vicente didn't arrange for the calls, he
10 didn't each know it was going to happen. They did it
11 without his assistance according to his testimony. Our
12 Government got in touch with Mayo, the fugitive from justice
13 who they can't find and they got in touch with him on the
14 phone and they let him speak to his son. I think letting
15 our Government, calling up the son of bin Laden on the phone
16 to speak to his imprisoned son. All the time they're trying
17 to say that they're looking for bin Laden. It doesn't make
18 any sense. None of that made any sense, weird testimony,
19 but it was true, it was true.

20 Of course Mayo's son Vicente becomes a cooperator,
21 much like his uncle and brothers. That's what our
22 Government's giving us. Vicente claimed that one of the
23 things he spoke to his father about was asking him to
24 surrender. And Vicente testified with a straight face. He
25 actually said this, just pulling back memories of the

Summations by Mr. Lichtman

6820

1 Cifuentes brother. He actually testified with a straight
2 fact that didn't know if his father had surrendered.

3 He's trying to act as if he doesn't know what's
4 going on because he's got blinders on. Of course he knows
5 that his father didn't surrender. The guy's had access to
6 the news, he had talks to his mother. Of course, he would
7 have known if Mayo had surrendered. He lied to you because
8 lies are cheap here, they don't cost nothing. You can take
9 as many as you want, nobody cares. Vicente was asked about
10 various murders or murder conspiracies that other
11 cooperators had told the Government that he was responsible
12 for. And Captain Ramirez, four people that he had
13 supposedly shot had their bodies dumped. Vicente denied it
14 all but admitted that the Government asked him about it. He
15 acknowledged that other Government cooperators must have
16 told the prosecutors about these acts but they had lied and
17 that's how it works. They have witnesses who lie to them,
18 cooperators. Yet they're never going to get up in front you
19 and tell you that their witnesses are lying under oath
20 during this trial.

21 MS. PARLOVECCHIO: Objection.

22 THE COURT: Sustained.

23 Ladies and gentlemen, there's no evidence in this
24 case that the Government is operating under any kind of
25 improper motive. That is just Mr. Lichtman making this

Summations by Mr. Lichtman

6821

1 argument. He's directed to stop making it. Whether the
2 cooperators lied when they were on the stand because they
3 had a motive or interest to do so is something that you're
4 going to have to determine during your evaluations.

5 Please continue.

6 MR. LICHTMAN: Vicente cooperated with the DEA on
7 his enemies that you heard. He provided Arturo Beltran the
8 telephone number to them so that they could find help.
9 Arturo was then killed by the Mexican Marines. In fact,
10 just before Vicente was arrested he had met with the DEA two
11 hours before his arrest. Vicente's brother was facing life
12 in prison, as you heard, he got five and a half years.
13 Vicente's been in jail here longer, so I think we know that
14 when he finally gets sentenced we can pretty much use math,
15 circumstantial evidence, you know that he's going to get
16 time served when he's sentenced in a few weeks. He
17 trafficked thousands and tons of cocaine into America. He
18 killed people and hasn't been charged either here or in
19 Mexico for those murders. And, respectfully, he'll get time
20 served when he's sentenced in a few weeks and he will be
21 here living amongst us free.

22 A ticking time bomb, basically, waiting to happen
23 because what else can these people do? What else are they
24 capable of? What else have they done their entire lives;
25 lie, cheat, ^ exactly ^ steal, use drugs, kill people? What

Summations by Mr. Lichtman

6822

1 do you think he's go doing when he's free?

2 Here was one bizarre bit of testimony that I
3 found, and follow this, if you can. This was between
4 Mr. Balarezo and Vicente.

5 Question: What was going on in 2008 in Culiacan?

6 Keep in mind 2008 is when Alex Cifuentes was
7 living with Mr. Guzman, supposedly.

8 There was a war between my dad and Compadre Chapo
9 and the Beltran Leyvas, the Villa Cifuentes and the Vegas.

10 Okay. I read this. Is he saying that the
11 Villa Cifuentes were against Mr. Guzman and Mayo, the
12 Sinaloa Cartel? It doesn't make any sense because Alex was
13 living with them, whatever.

14 Rey Zambada, yet another Zambada who we had the
15 pleasure to spend time with. Rey bribed high ranking police
16 officers paid for protection against police operations in
17 Sinaloa and Mexico City and he paid off a general called
18 Toledano, and military special operations officers, federal
19 highway police, the Attorney General's office, Interpol,
20 judicial police, intelligence officers, airport authorities,
21 300,000 per month he paid in bribes. He testified about the
22 law enforcement of various drug dealers, he called them
23 "plazas." He paid off to allow total control by drug
24 dealers to move drugs openly. Rey Zambada testified that
25 all the various plazas that Mr. Guzman controlled from 2001

Summations by Mr. Lichtman

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1 to 2008. Yet Mr. Guzman was being hunted like an animal
2 during this period and didn't have any money, we've heard.
3 Mayo Zambada, Rey's brother, maybe he was in charge, the one
4 who was not being hunted by [sic] an animal, who didn't have
5 the money issues.

6 Rey Zambada testified that the police were paid
7 off to stop murder investigations. He used a fake visa to
8 enter America, multiple fake identities, multiple murder
9 conspiracies including murders of law enforcement. He's
10 facing life, but the Government can help knock it down with
11 that magic 5K1 letter. And the Government, as he testified,
12 would help bring his family here to live in safety but you
13 know which member of his family is not going to be living
14 here in safety, dare I say that, Mayo Zambada. He testified
15 about how crazy everything was after Mr. Guzman escaped
16 prison in 2001 and they had to keep hidden until he was
17 being hunted, he was an escaped fugitive. But why was there
18 no testimony from Rey about his brother Mayo being hunted?
19 He was a fugitive from justice as well, wasn't he? He was
20 wanted. Just because he didn't escape jail doesn't mean he
21 wasn't wanted? Why didn't we hear testimony about that, him
22 being hunted like an animal. He'd been the biggest drug
23 dealer in Mexico for decades at that point. He was wanted.
24 Why isn't he on the run? Because he had bribed the Mexico
25 Government and all that left was Mr. Guzman as the rabbit on

Summations by Mr. Lichtman

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1 the run. That was the result.

2 Rey testified he received a call from a lieutenant
3 colonel it was. They had Chapo surrounded, about to capture
4 him. The colonel asked for \$250,000 to back off and Rey
5 delivered the money and the operation was called off. Do
6 you really think, look at this, this formula. I wish I
7 could say it was brilliant, but it's not. This is what the
8 man has been doing for 50 years, Mayo, paid people off, he
9 stayed free. People off, they don't come after you.

10 But Chapo's alleged to have paid the president of
11 Mexico \$100 million and he's hunted like a dog before and
12 after. It just doesn't make any sense. It's just not true.
13 Rey claimed that Chapo once delivered 13 million in cash for
14 a drug purchase. The man with plastic chairs and wooden
15 planks for nightstands and 13 million in cash ready to go,
16 it doesn't make any sense. He can't pay his workers but
17 he's got 13 million in cash on hand. He's got 100 million
18 in cash on hand to pay the president. It doesn't make any
19 sense. As for Rey's testimony, it was all choreographed, it
20 was a script they were reading from and the answers were
21 scripted as well.

22 You heard that from witnesses in this case. I'm
23 not making it. Not a single question on direct was a
24 surprise. Why should it be, they're prepping them to
25 testify here. Of course they're going to go over the

Summations by Mr. Lichtman

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1 questions and answers with them. You can't fault them for
2 that. We all want to prep our witnesses in advance. And
3 they had attended dozens of debriefings, dozens of attempts
4 to get these stories straight. Just throw them on the stand
5 and say what happened next. The hours, hundreds of hours of
6 preparation so they can handle that story exactly how they
7 wanted it so when they ask it here, it's like lines in a
8 play. What happened next? Well, we're waiting for that
9 question exactly how we went over it last week. And they
10 all are desperate to get out under a life sentence and so
11 they're going to give the Government what they need. Bottom
12 line is that they must convict Joaquin Guzman to get what
13 they want. And, respectfully, the idea of lying under oath
14 is going to cost them. They all did it pretty easily. I
15 mean, come on? They all did it pretty easily. They're
16 still getting what they need, we all know that.

17 I mean, how hard is it from Rey Zambada to throw
18 in Chapo Guzman? There was a meeting and this person there
19 and that one's there and this one, and Chapo Guzman. And
20 then they were discussing drugs, my brother and
21 Chapo Guzman. It 's not very hard.

22 Now, on the topic of trial prep by the Government
23 one of Rey's pieces of his testimony when he lied to you was
24 when he said that he hadn't heard the prosecutor's question.
25 Now other witnesses said, yes, as we just talked about it.

Summations by Mr. Lichtman

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1 Well, Rey is trying to figure out, well is that something
2 good for the Government to even admit that I've heard these
3 questions before or is that bad for the Government and he
4 figure I'd lie and say that he hadn't heard these questions
5 before.

6 That was a lie. And he was allowed to lie. He
7 lied here and he is going to get that 5K1, period. And
8 these cooperators lie to everyone they come in contact with,
9 to each other, the law enforcement, the prosecutors. Why
10 shouldn't you believe that they're telling the truth now?
11 Why do you rely on them? They've never told the truth in
12 their lives.

13 You heard Rey Zambada, this was an entering story.
14 Rey Zambada testified that he met with Arturo Beltran during
15 the supposed war he was having with Mayo and Chapo. And
16 Arturo asked Rey the reasons for why they killed this fellow
17 name Nemecio, a commander in the organized crime division of
18 Mexico's Attorney General's Office. This commander was
19 supposedly telling his colleagues he was going to kill Mr.
20 Guzman and Mayo. So after Nemecio himself was killed, Rey
21 Zambada met with Arturo Beltran who said to Rey, hey, man, I
22 didn't kill him, I just paid that guy several million
23 dollars. Rey replied, I don't know anything, lie Number 1,
24 ask Mayo or Chapo. Now the point is that he's willing to
25 save his own skin and lie to Arturo Beltran about the murder

Summations by Mr. Lichtman

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1 of a commander in the Mexican Attorney General's Office and
2 he's willing to throw Mr. Guzman under the bus then. Why
3 don't you ask Guzman, ask Mayo. Well, you don't think he's
4 capable of lying here to throw Mr. Guzman under the bus
5 again?

6 If he threw Mr. Guzman under the bus when he was
7 supposedly in line with them, of course he's going to throw
8 him under bus when he desperately wants a conviction and Rey
9 testified about a number of sicarios, the gunmen, killed by
10 Guzman's order, members of the Mexican judicial police who
11 were working for the Beltran-Leyvas. Now how can you trust
12 any of this? The people that are killed are members of
13 Mexican law enforcement. You don't even know who the bad
14 guys are in these stories. And Rey testified that
15 Mr. Guzman from 2004 to 2008 was buying cocaine from him.
16 The boss supposedly was buying from an underling. It makes
17 no sense. Similarly you heard that Julio Beltran was
18 killed, according to Rey Zambada in his 2015 debriefing, he
19 was killed by Mayo Zambada is what Rey said, for not
20 following the rules, for not respecting Mayo's authority.
21 Never mentioned Joaquin Guzman in that 2015 debriefing. Why
22 not? His story changed so many times, there were so many
23 inconsistencies that were all brought out on the
24 cross-examination regarding the 20 tons of cocaine seized in
25 Panama. In one of his first debriefings with the Government

Summations by Mr. Lichtman

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1 in 2012, Rey claimed that the drugs belonged to Arturo
2 Beltran and Mayo Zambada. No mention of Chapo. Same thing
3 when it came to murdering Nemecio, the commander in the
4 organized crime division of Mexico's Attorney General's
5 Office who was on Arturo Beltran's payroll. Rey Zambada
6 told the Government in the debriefing soon after he arrived
7 in America in June of 2012 that Nemecio worked for the
8 United States Government and that Mayo gave the order for
9 him to be killed.

10 Rey explained back then that Nemecio was going to
11 take down Mayo's organization and grab his assets so he
12 needed killing, of course. No mention of Chapo Guzman. He
13 just throws him in when he needs him. The murder of Robert
14 Velasco who Rey attributed to Mr. Guzman. Again, in 2012
15 when he was first debrief by the Government on this topic,
16 again, Rey Zambada failed to mention Joaquin Guzman's
17 involvement. Rey admitted that everything he had heard
18 about Joaquin Guzman from 1987 to 2001 he learned from his
19 brother Mayo. He learned from his brother Mayo, the drug
20 trafficker who for, what, 55 years had never once been
21 arrested. So Rey Zambada forgot to put Mr. Guzman in
22 numerous murders when he was debriefed by the Government
23 upon his arrival here. But if you recall, you remember
24 every last word said by Mr. Guzman in conversations from 17
25 years ago after Mr. Guzman escaped from prison in 2001 and

Summations by Mr. Lichtman

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1 he saw Mayo and Rey for the first time afterward. I think
2 he was talking about his wife Patty's shoes. Everything
3 that he could possible, every detail to show you how good
4 his memory was, that he can talk about, but he can't
5 remember Mr. Guzman's involvement in murders when he's first
6 debriefed. This is a guy, Rey Zambada, who sold his son's
7 identity go get a birth certificate. His son. And a
8 passport he put in his son's name he applied for and
9 received an American visa in his son's name that he could
10 use to walk into America, this killer drug dealer and walk
11 amongst us. Rey pled guilty to two indictments, one had a
12 mandatory life sentence, the other was a ten-year minimum to
13 life. Rey did not fight extradition, as we heard. He needs
14 the Government to write that 5K1 letter to the judge,
15 otherwise, he's going to die in prison and he knows it. He
16 decides to cooperate and claim he was required to assist in
17 prosecutions of other individuals. I can tell you this and
18 you can figure this out for yourselves. He will get out of
19 prison before he testifies against his brother, Mayo, you
20 can be sure of that.

21 He's been here since 2012, he's testified one
22 time. One time against Mr. Guzman. Mayo was selling heroin
23 and marijuana since the '70s into the '80s according to Rey
24 Zambada, no mention of Chapo. None.

25 According to Rey from '87 to '93 Rey claimed that

Summations by Mr. Lichtman

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1 Mayo began working with the Padrino, Miguel, Felix,
2 Gallardo, to sell cocaine. That came from a debriefing in
3 2012 with the Government. Rey also told the Government that
4 Mayo part with the Lord of the Skies, Amado Carrillo Fuentes
5 from to '95 to '96 winning cocaine loads. Still no mention
6 of Mr. Guzman. It's not in the notes is what he said. Mayo
7 not Chapo was bringing cocaine in suitcases through the
8 airport 2002 to 2003, Mayo was using go-fast boats to ship
9 cocaine. No Chapo, just Mayo.

10 So what you've got here, it's an opportunity who
11 sees that he's -- these people are not stupid. They may be
12 liars, they may be degenerates, they may be killers, but
13 they're not stupid. When they need to drop another name and
14 it's very easy every time you mention Mayo Zambada's name to
15 just simply thrown in Chapo Guzman, doesn't cost nothing.
16 And it helps him get a 5K1 letter. And Mayo, as Rey
17 testified, corrupted everybody in prison. He corrupted a
18 follow named Garza Luna who was in charge of the agency of
19 federal investigation. In 2006 Garcia Luna got a cabinet
20 position in Mexican government as secretary of public
21 security in charge of the federal police. Rey Zambada met
22 with him and gave him 3 million in a suitcase on behalf of
23 Mayo to get Mayo's man, the police chief in Culiacan. I
24 mean this is the -- and there was plenty of testimony about
25 this, about the millions and millions of dollars being given

Summations by Mr. Lichtman

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1 to allow Mayo to continue dealing drugs. Garcia Luna was in
2 the president's cabinet at the time. We also learned that
3 Garcia Luna was paid \$15 million by the Beltran-Leyva in
4 2006 or 2007 to permit them to deal drugs. So it's really
5 not that much of a surprise to think that Mayo Zambada paid
6 a hundred million dollars to be left alone, is it? And that
7 by doing that, the one person who became such a hot focus of
8 law enforcement was Chapo Guzman.

9 Now, Rey testified that the only assets he has
10 left now is money that's owed him by other drug dealers.
11 I'm pretty sure he's not going to be collecting on that
12 money anytime soon. He said he's got no hidden money, no
13 offshore accounts, nothing. Rey testified that Mayo killed
14 a commandeer Rafita and Rey provided surveillance for this.
15 400 pages later in the transcript Mr. Guzman is responsible.
16 That fellow Nemecio I discussed before and Mayo ordered the
17 hit, 400 pages later it's Mr. Guzman. You see how this
18 works. As I had said, the Government's money laundering
19 expert, Mr. Semesky testified that drug dealers keep a large
20 stash of cash on hand in case they need to flee their
21 current jurisdiction and need to get away but they'll also
22 invest in other properties. Businesses, financial accounts
23 to spread the wealth around and it won't just be in their
24 home country. It will be all over the world where is the
25 money belonging to the cooperating Zambadas? Where's the

Summations by Mr. Lichtman

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1 offshore accounts of Mr. Guzman? In one case the Zambadas
2 are hot to hide their money that's overseas. In the other
3 case the Government has not found any offshore accounts
4 belonging to Mr. Guzman. Where is cash, the stash, the bank
5 accounts, the stash houses? We don't even have the guns
6 that were pictured here, the JGL and diamonds on the gun
7 handle, the leopard on the gun handle. They have pictures
8 of them, but where are they? Somehow 250 million of
9 Cifuentes' money was located 700 million from Chupeta.
10 Where is the Guzman cash?

11 Now, if I can get the Damasco Lopez. He was the
12 jailer initially who was in charge of internal security at
13 the high security prison that Mr. Guzman as brought to after
14 his captured in 1993 after fleeing from the false
15 accusations that he murdered the Cardinal. He testified
16 that he had no idea that Mr. Guzman was even in jail. I
17 mean, come on. This is a guy that's getting gifts from
18 Mr. Guzman, he testified, he wouldn't admit they were
19 bribes. He claimed that he received a house from Mr. Guzman
20 but it was a gift, not a bribe, a gift. You see I'm using
21 air quotes, a gift, but me didn't even bother to see what
22 the guy was in jail for? I would think that if you're in
23 jail and you're putting your life in the hands of some guy
24 named Guzman who's giving you a gift of a house, that you
25 might want to at least check to see what he was in jail for.

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1 No. Damasco said he didn't check because he didn't want to
2 know and that helps him in this case, he says. The less I
3 know the more I can claim that I've got blinders on and I'm
4 just speaking about the facts that I know.

5 Damasco was Mr. Guzman's right hand, according to
6 him, in other. Like I had said, got a lot of right hands.
7 He knew nothing about any \$100 million given by Mr. Guzman
8 to the Mexican president. The point is, of course he
9 doesn't know about it because it's a lie it wasn't true.
10 The hunted Mr. Guzman gave no such bribe to president Nieto
11 of Mexico. The guy who has been free for 50 years, again,
12 for to 15th time I know I'm belaboring it, Mayo Zambada. No
13 wonder Damasco, the man who had this infinite knowledge of
14 Mr. Guzman's dealing, as intimate as anybody, knew nothing
15 about it. But Alex Cifuentes who lived with a man for,
16 what, eight or nine months, he knew that Mr. Guzman gave a
17 100 million-dollar bribe.

18 Now, Alex claimed at one point he lived with
19 Mr. Guzman from 2007 to 2008, said for about nine months.
20 Then he claimed 2009 and Jorge said Alex was living with
21 Mr. Guzman in 2010. So basically these nine months are now
22 this 3 or 4 years. If that wasn't a lie, it was certainly
23 inaccurate, wildly inaccurate.

24 Damasco was obviously another cooperator hoping to
25 put Mr. Guzman away for life who also keeps calling him my

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1 mom Compadre Chapo every time he mentions Mr. Guzman's name.
2 If he loved Mr. Guzman any more, he would be getting the
3 death penalty today. My compadre, look, why, I loved the
4 man. But you're testifying against him trying to destroy
5 him. Let's not pretend about what's going on here. We're
6 all grown-ups, we're all intelligent. We know why you're
7 here. Stop pretending that you don't have any bias against
8 him.

9 Now, read Damasco's statement of fact in
10 connection with his guilty plea in Virginia, if you can get
11 that back there. The Government had an agreement with these
12 words that were contained therein. He claimed he was a
13 leader of 100 men. He employed assassins, moved cocaine,
14 was the leader of the organization. Read it while you're
15 back there, and appreciate when the Government wants someone
16 he becomes the leader. He's the leader. When they get him,
17 somebody else has to be the leader, the focus changes. I
18 mean Damasco was uncomfortable. He didn't sound like he was
19 really the leader when he was testifying and blaming
20 everything on Mr. Guzman, then he was shown his statement of
21 facts and we're like, Holy Moly, this guy had hundreds of
22 people working for him, had assassins at his fingertips.

23 Damasco, this was bizarre. Damasco pled guilty to
24 a deal which gets him life in prison. That was his plea
25 bargain, his bargain, he was bargaining to get life in

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1 prison.

2 What is the bargain in it for him? He got exactly
3 what he wanted, life in prison.

4 He didn't say, Listen, I feel chill with the life.
5 Can you just give me, you know, like 30 years? No, life in
6 prison. That's what he signed, that's what he wanted,
7 that's what he agreed to. It's a farce. He's not getting
8 life in prison and he knows he's not getting life in prison.

9 Why else would he plead for life? He knows that
10 it's just to make it look good in front of you people. Man,
11 that Damasco, he lied. He's going to get life in prison.
12 He's not getting life in prison. He'll be out, soon. But
13 you heard Damasco trying to minimize his role in all this.
14 He claimed he was big because he was near Mayo or worked for
15 Mr. Guzman. That's not true. As I said, you heard the
16 statement of the facts. Led 100 men, had assassins. He
17 even had his killer, this was a particularly funny piece of
18 testimony. He each had his killers make patches that they
19 wore on their clothing. I'm starting to think that maybe
20 those Sinaloa had some T-shirts might actually be real
21 they're so stupid. But the patches express their allegiance
22 for Damasco. They were Damasco's security. *Fuerzas*
23 *especial de Damasco*, the special forces of Damasco.

24 (Continued on the next page.)

25

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1 MR. LICHTMAN: Why was he so angry when that picture
2 was shown to him? He got visibly upset about that because he
3 knew what he had done. He knew he had been caught minimizing
4 his role. And suddenly, he looked like the animal that he
5 was. He was the most violent of all. But he sure looked
6 clean on that stand, didn't he? He claimed that Mayo Zambada
7 was the strongest drug trafficker, he claimed that Mr. Guzman
8 didn't own house in Cabo that he supposedly escaped where all
9 that supposed evidence was found. You know, pants, 32-30.
10 You know, the measurement that Mr. Guzman had to tell his
11 wife, supposedly, pants size. Respectfully, I think that the
12 wife probably knows what her husband's pants size is and
13 doesn't need to be told what it is. Come on.

14 Let's go to Miguel Martinez-Martinez. Judge, can I
15 stop at any time?

16 THE COURT: For lunch.

17 MR. LICHTMAN: Yes.

18 THE COURT: Whenever you want.

19 MR. LICHTMAN: You know what, let's do it now.

20 Ladies and gentlemen, we'll reconvene at 1:35.

21 Please don't talk about the case.

22 (Jury exits courtroom at 12:36 p.m.)

23 THE COURT: All right. Be seated.

24 Any other motions from the Government? Are you
25 satisfied with the correction that I made?

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1 MS. PARLOVECCHIO: Yes, your Honor.

2 THE COURT: Okay. All right. See you at 1:25.

3 (Defendant exits from courtroom at 12:37 p.m.)

4 (Luncheon recess taken; 12:37 p.m.)

5 (Continued on the next page.)

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1 A F T E R N O O N S E S S I O N

2 (In open court.)

3 (Defendant present.)

4 THE CLERK: All rise.

5 THE COURT: Let's have the jury, please.

6 (Jury enters.)

7 THE COURT: All right. Everyone be seated.

8 Please continue, Mr. Lichtman.

9 MR. LICHTMAN: Thank you, judge.

10 Good afternoon, now, ladies and gentlemen.

11 Again, thank you for your continued patience. I know it can
12 be long. I appreciate everybody's -- sorry for dropping my
13 voice.

14 We are getting near the end, and I would like
15 to talk about -- yes, you guessed it -- the man on the
16 screen, Miguel Martinez Martinez.

17 Every time the prosecutors asked
18 Mr. Martinez -- Tololoche, that was his nickname -- to
19 identify a picture -- I thought this was interesting -- he
20 identified every one of the pictures on the direct, bing,
21 bam, boom, named them all, because they were prepped.
22 Because when I asked Jorge Cifuentes to identify a picture
23 of Mayo Zambada, he couldn't identify Mayo and picked out
24 somebody else as Mayo. I thought that was interesting.

25 And Tololoche's testimony, part of it, talked

1 about all the great wealth. This is what they used to prove
2 the great wealth of Mr. Guzman. He testified that
3 Mr. Guzman had properties in every single place in Mexico,
4 had a beach place in every single beach, ranch, houses
5 everywhere, warehouses everywhere. He had four jets at one
6 point.

7 He talked about a beach house in Acapulco.
8 Are you aware of the properties? Yes, yes. It cost
9 \$10 million. And how do you know that it cost \$10 million?
10 Because they made the payment through the bank I had the
11 account.

12 Well, instead of just listening to these
13 cooperators telling you this is what I did about the money,
14 and the money went through my account, you know how hard it
15 is to get information from one of your bank accounts, a few
16 years ago, five years ago. Call up, say, listen, you
17 remember that time we made a \$10 million pavement that went
18 through my bank account? Let me have that.

19 The Government can do that. He can do that.
20 They didn't have it. So you are forced to rely on testimony
21 of a guy whose got really, at best, suspect credibility.

22 You know, some of the things that Martinez
23 said that I recall, that I read his transcript afterwards, I
24 was kind of shocked by. He didn't exactly strike us as a
25 ferocious guy. He wasn't a violent guy. He said that, that

1 he was anything but that. He said, you know, sometimes he
2 would lose his temper or do some bad things.

3 He actually twice testified -- twice; the
4 first time I thought it was a mistake -- that he threatened
5 Chupeta. Now, we know Chupeta and we are going to get to
6 Chupeta. But, somehow I find it a little hard to believe
7 that that dude, Tololoche, is threatening Chupeta, killing
8 150 people, which you don't have to guess is probably closer
9 to 1500. Twice he claims he threatened Chupeta. It seemed
10 pretty clear to me that it's just fantastically
11 impossible-to-believe testimony.

12 Martinez did testify about how Mr. Guzman was
13 nearly killed at the airport in Guadalajara in 1993 when the
14 Cardinal was killed by the Arellano Felixes. His testimony
15 was important at this part, where, after Mr. Guzman escaped,
16 he said his picture was plastered all over national TV every
17 five or ten minutes is what he said.

18 A month later, in June of '93, when
19 Mr. Guzman was arrested, I thought it was interesting that
20 Tololoche could remember the exact date of the arrest:
21 June 8, 1993. That he remembered. So many details he
22 couldn't remember. What do you want from me, 15 years ago?
23 But something that happened 25 years ago, that he somehow
24 remembered.

25 Now, this was a guy, he was an admitted

1 alcoholic who combined alcohol with -- there is the
2 Splenda -- with four grams of cocaine, up to four grams of
3 cocaine on a daily basis. Now, I wouldn't know about
4 cocaine use, but I'm guessing that's one gram. Maybe that's
5 4. Is that four? Whatever. That's a lot of cocaine.
6 That's what he was using per day.

7 I mean, my God, he said that part of his nose
8 had to be replaced, but a guy who is an alcoholic, who is
9 using that much cocaine on a daily basis for over 15 years,
10 how can you trust his details that he is giving now? But
11 somehow he remembered the date of when Mr. Guzman was nearly
12 killed at the Guadalajara airport. The reason I'm saying
13 this is I'm suggesting to you that he is remembering things
14 that he was prepped with as opposed to what he remembered on
15 his own.

16 What was surprising, some more of his
17 testimony -- this was, again, the admitted alcoholic and
18 drug addict. He said he was a drug addict. He said he had
19 no experience in drug trafficking. He was told by Chapo to
20 go to Colombia to get marijuana. This doesn't make any
21 sense, because the golden triangle, the home of marijuana
22 cultivation in Latin America, is Mr. Guzman's own backyard,
23 why would he send Tololoche to Colombia to get marijuana? I
24 thought it was gratuitous and a lie; and, again, it's not
25 like these guys don't have incentive to lie.

1 When that failed, his efforts to get the
2 cocaine source from Colombia, he then said he went from a
3 bar to a whorehouse, and he was walking the streets to find
4 a cocaine source. It just doesn't make any sense that the
5 leader of the Sinaloa Cartel is sending some drug addict
6 that's sort of, you know, scouring the street for cocaine
7 sources.

8 When Martinez was arrested -- and this is
9 typical of the cooperators in this case; their witnesses,
10 not mine -- the first thing he did after he was arrested was
11 tell his attorney to offer the judge a \$500,000 bribe to let
12 him go. I mean, this is the mentality of them. When you
13 get arrested, the first thing is not to take responsibility
14 for your actions, or to make them better, no. It's to pay
15 somebody off. You are not paying off the garbage man to
16 pick up an extra can of garbage that's in front of your
17 house. You are paying off judges. That's their mentality,
18 pay off judges.

19 He had the money for that, but don't you know
20 he doesn't have the money to pay the Government any of the
21 forfeiture money that he owes. Of course, he doesn't have
22 any, as he says.

23 The second thing that Martinez did after he
24 was arrested and he was brought to America, he lied to
25 American agents about his criminal activity. His reasoning,

1 I didn't have a lawyer to help me.

2 Now, I have to tell you, he uses lawyers to
3 bribe judges and suddenly he needs one to tell him not to
4 lie to federal agents in America? You need a lawyer to tell
5 you that? I mean, I would like to think that's something
6 common sense that you are born with, that you don't lie to
7 American federal agents. This is evidence of a guy who
8 hasn't had an honest day in his life and needs to be told
9 not to lie.

10 Of course, he is free amongst you right now.
11 He is soon to get a visa provided by the Government for his
12 cooperation.

13 MS. PARLOVECCHIO: Objection.

14 THE COURT: Sustained.

15 MR. LICHTMAN: He is here to get Chapo. That's
16 what's he is here for.

17 MS. PARLOVECCHIO: Objection.

18 THE COURT: Sustained.

19 MR. LICHTMAN: And you learned from Martinez what
20 a Rule 35 motion is. It's a motion filed by the Government
21 that allows the judge to lower a previously imposed sentence
22 due to cooperation. It's like the 5K letter that you heard
23 about, but it comes after sentencing as opposed to before
24 and allows the judge to give the sentenced cooperator a
25 second, lower sentence.

1 It's like Damaso with his life sentence that
2 he claims that he's stuck with will be getting. That's what
3 Martinez did get; and he was sentenced to 18 years, and then
4 on a Rule 35 motion, after he testified in a case -- boom --
5 time served and he was out. Right after he testified at
6 trial is when he got out.

7 Again, that's a blueprint and should give you
8 an indication as to what's going to happen to the
9 cooperators in this case. You saw it happen with the
10 Zambada brother who cooperated. He got a tiny sentence.
11 And you saw it happen with Tololoche. He testified -- bing,
12 bang, boom -- all of a sudden, 18 years becomes time served.
13 It doesn't make a difference that he broke the rules in
14 prison. It makes no difference. It doesn't make a
15 difference what any of them do. Pedro Flores, you know what
16 he did. He didn't lose any good time.

17 Now, Martinez proffered 86 times with the
18 Government, 86 times. He claimed that Mr. Guzman tried to
19 kill him four times: Stabbings, grenades, explosives,
20 pistols, apparently songs played outside of his cell. All
21 these things were designed to kill him. There were
22 helicopters flying above the jail, jail guards who refused
23 to open his cell so that he could be killed. Four wonderful
24 stories that he all blamed on Mr. Guzman.

25 All that action with the explosions,

1 helicopters. Somehow the Government didn't show you a
2 single piece of paper corroborating those attacks.

3 I mean Mexico is part of this. They have a
4 government. Couldn't they have gotten something to show
5 that all these horrible things happened, explosions,
6 helicopters, anything that showed that? Tololoche himself
7 is the only one that we are supposed to rely on here? They
8 want Chapo too, right?

9 Nothing from Mexico. Just believe Martinez,
10 even though he is a lifelong criminal, who also lies and
11 breaks the law while cooperating. You can believe him, if
12 you want, if all you want is to convict Mr. Guzman. Go
13 ahead. Just use what he said and just ignore the obvious
14 truth.

15 And Martinez testified under oath in federal
16 court previously, as I said, and he testified that he was
17 stabbed just twice. Now, before you guys he said three
18 times. Now, I can see forgetting a stabbing. It's not
19 exactly a very significant moment in life. So three
20 stabbings, two stabbings became three. Just pile it on.

21 And the billionaire drug dealer, Mr. Guzman,
22 he relied on grenades to kill someone in prison? He is
23 running the whole place. He can't pay a guard to kill him?
24 Nope. We are going to have -- it's like Wile E. Coyote, who
25 wants to kill someone. Every little machination has to be

1 put together in order to kill him. Don't bother.

2 You are a billionaire. You control
3 everything. You can't pay a guard to kill an inmate when no
4 one is looking? No. We are going to throw a grenade into
5 his cell and he wasn't hurt by the grenade. What kind of
6 grenades are these? It's like the Road Runner and Wile E.
7 Coyote. It explodes and nothing happens.

8 Because the point of it is to protect. All
9 right. That's the story. It makes a lot of sense. It
10 doesn't make any sense. He has a band outside of his
11 window. He can't just pay a guard, so he has a band play a
12 song outside his window.

13 It's like -- I keep on bringing up these
14 references that no one is going to remember. It's like when
15 I watched Batman as a kid and the bad guy, the Joker and the
16 Penguin, they would go through all these wild machinations
17 to kill Batman. I was like, why don't you take a gun and
18 shoot him? That was never in their thinking.

19 It's like here with Mr. Guzman, play a song
20 outside his cell. Instead of just killing him, we are going
21 to play this song and that's the beginning of it, and then
22 we are going to put you over a pile of acid and we are going
23 to slowly lower you. Just kill him. Isn't he capable of
24 death? No, not with Tololoche. You've got to have a song
25 that plays well to the jury. It's so exciting.

1 Martinez was also forced to admit on cross
2 that other people wanted to kill him as well. Guero Palma
3 was one. Of course, Mr. Martinez, without corroboration,
4 said it was a horrible betrayal for him, whereupon Martinez
5 was in the right.

6 Everyone wants to kill this guy, and it's
7 never his fault, according to him. He is a good and decent
8 and honest man, except when he lies in a federal courthouse.

9 Years ago in court he was asked by a federal
10 prosecutor, in a courtroom just like this one, why did
11 Mr. Guzman want to kill you? Now, according to Martinez,
12 here in this trial, Mr. Guzman wanted to kill him because
13 Martinez sold Mr. Guzman's house that housed his ex-wife and
14 children; and he was going to be killed because Martinez
15 threw Mr. Guzman's wife and children out of the house and
16 sold it because he needed the money for legal fees.

17 The prosecutor asked him under oath in the
18 case years ago, quote, Do you have any idea as to why
19 El Chapo would want to kill you? His immediate response
20 was, I don't know. Martinez went on to say, it could have
21 been because of what I knew. It could have been because he
22 didn't like me. It could be because I talk. The truth is,
23 I don't know.

24 He was asked by a federal prosecutor under
25 oath, Do you have any idea as to why El Chapo tried to kill

1 you and not other people who were extradited? His response
2 was no. That was in 2006, when presumably his memory is
3 better than in 2018. I mean, that happens. As you get
4 older -- I find it always happens to me. As I get older, my
5 memory is getting better. By the time I'm 90 years old I
6 will be able to give you pi to the 75th place. Come on.

7 It was a lie, designed to hurt him. Your
8 memory doesn't get better, especially when you have so much
9 cocaine under your nose that half your nose falls off.

10 Twelve years ago his story was different
11 because Mr. Guzman was not on trial back then. Martinez
12 didn't have any incentive to convict, to hurt, Mr. Guzman
13 back then. Now he wants to hurt him, and now the story is
14 they have the mariachi band outside the window. Give me a
15 break.

16 The prosecutors here asked you to blame
17 Mr. Guzman for these three or four attacks. You know, if
18 you are going to ask him, why or how you were being
19 attempted murdered, you know, there are prior testimonies
20 that say something completely different. So that's for you
21 to decide, why that came out the way it did. I would
22 suggest that Tololoche was lying from the beginning, and it
23 was obvious to everyone in the courtroom.

24 He also claimed inside a federal courtroom
25 under oath that he never heard Mr. Guzman order any

1 killings. That answer changed when he testified in front of
2 you people. He claimed Mr. Guzman didn't order any murders
3 in front of him; but when he testified against Mr. Guzman
4 and they needed a conviction, suddenly it changes.

5 And this is the theme in the case, the
6 cooperators change their testimony to throw Guzman in
7 because they need a conviction. Every cooperator does this.

8 He also admitted that he hates Mr. Guzman.
9 So you can see a number of areas that affect his
10 credibility, give him motive to lie about Mr. Guzman. He
11 even testified at the end that extended massive cocaine use
12 can cause hallucinations, brain damage, and schizophrenic.
13 You can pick any of one of those three, if you like -- it's
14 your choice -- and you can decide what Mr. Tololoche was on
15 when he was testifying here.

16 Now, we will go to Chupeta. That's what a
17 real drug kingpin looks like, I think we can all agree.
18 This dude is scary. Chupeta claims that he shipped over
19 400,000 -- that was the same person -- 400,000 kilograms of
20 cocaine to America. The top of the guidelines, as you
21 heard, for weight of cocaine, to get you close to life, is
22 450 kilograms. So that's enough cocaine to get a thousand
23 life sentences.

24 This is a guy who is so desperate to avoid
25 going to prison that he had numerous surgeries to alter his

1 face. He changed his jaw bone, his cheek bones, his eyes --
2 I wish he would not have done the eyes -- his mouth, nose,
3 his lips, hair transplant -- there is hope -- and his ears.
4 His ears! He changed his ears! That's how far he went to
5 avoid going to jail. And he is not going to lie to you
6 people now to help him get out of jail? He changed his
7 ears. Who can even think of something like that? He
8 changed his ears. It's not like he removed one. He changed
9 them to look different. That's nuts. That's nutty talk
10 here.

11 That's how bad he wanted to get out of the
12 chance of going to jail. But he won't lie to any of you
13 now. He is a bottomless pit of morality. I thought that
14 was the scariest of all the people.

15 Now, with regard to his assets, as I said,
16 nearly a billion dollars was seized from him by the
17 Colombian government, the same government that seized
18 250 million from Jorge Cifuentes. Chupeta agreed to forfeit
19 an additional 1.2 million, not billion, to the American
20 government; and that's about one-tenth of one percent that
21 was taken off of Chupeta in Colombia. But, of course, they
22 are not going to get that money. Even though you know that
23 a guy like Chupeta has assets all over the world, he is not
24 giving any of that up.

25 Every one of them denies they have any assets

1 overseas, but their own expert said that drug kingpins have
2 assets all over the world. Except for the ones in this
3 case.

4 He is the one that had a zillion dollar art
5 collection, houses, watches, cars. They seized them. All
6 seized. We heard about Mr. Guzman's massive assets. We've
7 seen none of it, except for the diamond-encrusted gun, JGL,
8 that they claim that they found but somehow don't have any
9 more. They took pictures of it.

10 In Chupeta's first briefing with the
11 Government, he didn't mention Joaquin Guzman then. I guess
12 they didn't think they needed to convict Joaquin Guzman
13 then, but they need him now and he is talking about Joaquin
14 Guzman.

15 Chupeta claims to have killed 150 people,
16 including some in the United States. As I said, you can't
17 possibly believe that he is telling the truth about 150
18 people. This guy was, you know, if you change your
19 underwear, he is killing people. Every day. This is a man
20 who will kill anyone and everyone. Why won't he admit the
21 full extent of his violence to you? Who is going to
22 corroborate it? It's him. We are supposed to take him at
23 his word and check the box. He shot people in the face.

24 He will be out of jail soon too. He has been
25 in 13 years. He is facing ten years or less. He has bribed

1 every law enforcement officer, every politician, military,
2 jail official, you name it, in Colombia, the president of
3 Colombia. Over ten million in bribes he paid to the
4 Colombian Congress. They changed the extradition laws to
5 protect himself.

6 Think about that. It's one thing to bribe a
7 president. He is bribing the entire Congress to get the
8 extradition laws changes. Think about that. He is not
9 changing the laws as to whether or not your dog has to be on
10 a leash when you walk him.

11 He is changing the laws that affect
12 international extradition rules. That dude has a lot of
13 power and a lot of ability to get what he wants. And a
14 real, you know, a lot of gall, right? Think how far that
15 is. The point is he will do anything to get what he wants.
16 He talked about corrupting DEA agents by supplying
17 prostitutes, gifts, apartments for them.

18 Let's just forget it all and convict him and
19 go home. That's what this is about. Let's just pretend
20 that none of this is real. Let's just pretend that none of
21 his credibility -- we didn't hear a word about credibility
22 yesterday. So that's why you are hearing so much about it
23 today. You cannot take these people at their word. Why
24 should you? Would you take them at their word if they were
25 testifying against your son, your daughter? Of course you

1 wouldn't.

2 He entered America, Chupeta, on a phoney
3 passport in 1988, got caught, took him back to Colombia.
4 Took him a month to bribe officials to let him out of jail.
5 But that wasn't enough. He had to bribe officials to erase
6 that conviction from the data banks, but that wasn't enough.

7 He paid to destroy any trace of any picture
8 of his in any government office, any Colombian government
9 office that might have photographed him. It's like getting
10 a bad article in the newspaper about you and you are buying
11 up every newspaper in the city.

12 But that wasn't enough. He also paid to have
13 his fingerprints deleted from any official computer database
14 and any traces that he was in prison. All the prison files.
15 He even paid to have destroyed the Colombian identification
16 record for him. He paid to make himself not exist at all,
17 just so that he could continue trafficking drugs. And you
18 don't think he lied to get out of jail? Come on. That's
19 not exactly a reach too far, is it?

20 In 1996 he surrendered to Colombian
21 authorities to begin a 24-year jail sentence. Except it was
22 a fake deal. Everything about him was fake. The corrupt
23 Colombian government that was paid millions of dollars by
24 Chupeta, he fake agreed to dismantle his narcotics
25 trafficking organization. He didn't. He kept trafficking.

1 He lied to the Colombian authorities' faces.
2 He wasn't put into a real prison, and he didn't cooperate
3 with authorities from Colombia and Mexico, like he agreed
4 to. He lied to prosecutors, which means he even lied to
5 them today.

6 Of course, Chupeta dealt with the American
7 DEA, as we learned from him and German Rosero. The deal
8 that they had with the DEA is they would turn over some of
9 the drugs to the DEA that were destined for Mexico, and some
10 would be kept and sold for a profit. It was kind of murky
11 what he was testifying about.

12 But, like all cooperators in this case, his
13 level of willingness to lie, obstruct justice, commit
14 perjury is astonishing. Could anybody have believed when
15 you were picked for this jury that you would hear such
16 corruption? I can't imagine.

17 Who corroborates Chupeta's testimony? Well,
18 Miguel Martinez and German Rosero, like they are honest.
19 Does anybody care? You care. I know you care.

20 So he reviewed for you a ledger that he
21 claims details the entirety of his drug dealing and
22 killings. Is it real? Well, it's real because Chupeta says
23 it's real.

24 He claims Cha is Mr. Guzman. Cha. Says who?
25 This is a guy who has lied, perverted justice, cheated his

1 entire miserable life. He butchered his face and his ears
2 to avoid being caught. What is he not capable of when it
3 comes to acts of dishonesty? I can't even think of any. He
4 covered them all. He's got zillions of passports in
5 different names, in different countries, designed to fool
6 anyone he ever came in contact with. But he is telling the
7 truth now because he will get life in jail if he lies.
8 Right.

9 Now, you also heard Ms. Goldberg say
10 yesterday, clear as day, going back to the Mona Cha, that
11 the reference to Mona Cha is Chupeta's drug ledger reference
12 for payments made by Chapo. What Ms. Goldberg forgot to
13 mention was that German Rosero, Chupeta's right-hand man on
14 the ground in Mexico, said during his cross-examination that
15 Mona Cha was a reference to someone totally unrelated to
16 Mr. Guzman. You didn't hear that yesterday, and you didn't
17 hear that on direct. You can figure out why.

18 Laureano Renteria, Chupeta's right-hand man,
19 was arrested in Colombia before Chupeta was arrested. He
20 knew all of Chupeta's secrets, where all the money was
21 hidden. He was in a prison in Colombia and he was poisoned
22 to death. Who do you think this man could have hurt the
23 most with his testimony as a cooperator? Chupeta. 150 he
24 admitted to. You may want to change that to 151. Of course
25 Chupeta did it, but he wouldn't admit it.

1 But he did admit to luring a killer, the
2 killer's attorney, and ten other people to a meeting and
3 killed them all as well as their backup security that was
4 waiting at a gas station, and he dumped all the bodies in a
5 truck, women too. Two women who were working in a Colombian
6 prosecutor's office and were trying to get justice against
7 Chupeta's Norte Valle Cartel because one of the women's
8 brothers had been killed by them, well, Chupeta had killed
9 them both.

10 Chupeta killed police, anyone who stole from
11 him, anyone who displeased him, shot them in the back of
12 their heads when they were feeling comfortable. He can't
13 even kill without being dishonest. A woman being shot in
14 the head. This is a violent, vicious animal, who admitted
15 to shooting someone in the face from three feet away. But
16 let's give him the benefit of the doubt? Of course not.

17 As I said before, that meek Miguel Martinez,
18 who threatened Chupeta to his face -- now that we talk about
19 Chupeta, don't you think it's possible that Tololoche
20 threatened him to his face? Ridiculous, just another lie.

21 In the end, Chupeta is just like them. He
22 wants to get that 25-year sentence for at least 150 murders
23 and enough cocaine trafficking to put a thousand men in jail
24 for life. He will end up serving about 60 days for each
25 murder. 60 days. That's what happens when you have the

1 Government on your side.

2 Now, Memin, who testified -- I can't
3 pronounce it, excuse me -- Isais Valdez -- that might be
4 close -- he testified just a few days ago about some
5 horrible murders he attributed to Mr. Guzman. As I said
6 before, there is no corroboration there. There is nothing.

7 So many right hands of Mr. Guzman testified,
8 but none of them testified about Mr. Guzman shooting anyone
9 until we got to Memin. At point-blank range, he accused
10 Mr. Guzman. F your mother stuff. How about a death
11 certificate, a missing person's report? Anything.
12 Something in the news. Anything.

13 Ms. Goldberg was talking about the murders
14 like they were just established fact. The 60-year-old man
15 who is this big, he was whacking people with a tree branch
16 for three hours. It's just -- it's true because the
17 Government witness said it. So we are just going to pretend
18 that it's real, that it's true, and that's enough. Now
19 you've got enough to convict him on count one.

20 Like you are not even part of this. We are
21 telling you what the evidence is. You are taking it, and
22 you are going to do what we say. That's not the way it is.
23 That's why we have juries.

24 Now, as for Memin, somehow Mr. Guzman doesn't
25 end up in the indictment that was created by the Government,

1 but he certainly testified about Mr. Guzman's involvement in
2 the crimes that he is charged in that indictment. Somehow
3 Memin agreed to facts during his guilty plea, which,
4 according to him in his testimony here, involve Mr. Guzman.
5 He didn't mention Mr. Guzman at all. Funny that.

6 Memin admitted some of the information
7 provided to the Government came from Internet research.
8 When he is not spending weeks at a hotel -- on you, the
9 taxpayer -- he is telling the Government that Mr. Guzman
10 couldn't even afford to pay his workers. Memin was in the
11 mountains for 10 to 15 days, never met Mr. Guzman. All of a
12 sudden he testifies Mr. Guzman hugs him and says, welcome to
13 the family.

14 That sounds like Mr. Guzman. This is a guy
15 who doesn't trust anyone, supposedly, and he is just having
16 this complete stranger welcomed to the family. Memin
17 testified that at that time he didn't trust me yet, before
18 he welcomed me into the family. It doesn't make any sense.
19 It goes against everything you are saying, that he is a
20 micromanager who doesn't trust anybody.

21 Memin constantly referred to my truth; and
22 his truth is to downplay his involvement in criminal
23 activity, like the fact that he was providing security
24 during that Durango snitch raid, when he said actually that
25 he wasn't responsible for any of the actual criminal

1 activity. He tried to make himself appear present during
2 murders, which was inconsistent with his debriefing. But if
3 you can tell the Government, testify here that he was
4 present for violence that Mr. Guzman committed, you become
5 more valuable, don't you? It's common sense.

6 Regarding German Rosero, this was a Colombian
7 attorney, a public defender, who worked for the Colombian
8 government. The story goes that after a threat against his
9 life when he was a young man, he went to Chupeta for help
10 and began working for him as a lawyer. That's makes sense.
11 You are getting threatened by your girlfriend and some guy
12 that likes her too. So you run to the most insane maniac,
13 drunk kingpin for protection; but that's all kosher.

14 And then he said there were people who were
15 in jail, and I would go meet with them and I would try to
16 help them out as part of the team to get them out. He
17 testified on direct as if he was using his legal skills to
18 get them out. On cross, we find that he was making sure
19 they had better equality of life in prison.

20 As he said later, he helped Chupeta when he
21 was arrested in 1996. It was to ensure that Chupeta was
22 taken care of in jail. So on direct he testifies that he
23 was using legal skills to get him out. On
24 cross-examination, I don't know what he is doing. He was
25 paying off the prison to give these people whatever they

1 wanted.

2 Rosero bribed Colombian senators,
3 representatives, with millions of dollars to ensure that the
4 Colombian laws didn't change to allow retroactive
5 extradition of those accused of crimes in the United States
6 with retroactive extradition, solely to help out narco
7 traffickers like Chupeta. He used false names, made up
8 false documents, had false Mexican passports, fake driver's
9 license, fake Mexican national ID cards; but, you know what,
10 all is forgiven. He is telling the truth now, you can
11 believe him. Check the box. Let's go home.

12 People don't change that much. We are all
13 adults here. You can change a little bit, but when you have
14 been a disgusting, lying, vicious animal for the first 40
15 years of your life, you don't just switch off the light and
16 everything changes. No.

17 He had this ridiculous story. Despite having
18 all of these connections in the Government, law enforcement,
19 he claims that he mistakenly believed there were criminal
20 charges lodged against him in America in 2008. This was
21 after Chupeta was arrested in 2007. So it wasn't that
22 difficult, and he could have gotten Chupeta's indictment.
23 It's not like it was hidden. He tells us that he didn't
24 know whether he was charged. He thought he was charged, but
25 it was in fact a mistake.

1 So what he did was write a letter to the
2 Department of Justice offering to surrender. Of course, he
3 talks about the letter, tells us what's in the letter.
4 Guess what we didn't see? Him. The letter. Somehow it's
5 lost. Nobody knows where it is. I would think that's
6 something that you would want to keep, either on the
7 Government's side or on Rosero's side.

8 So we will just have to rely on the word of a
9 lifelong liar and criminal who just misplaced the letter,
10 you know, like the misplaced tape of a phone call between
11 the Cifuentes brothers in jail that was never preserved, or
12 the way that Alex Cifuentes was misplaced at the jail and
13 got to see Mr. Guzman face to face, a few feet away.

14 Anyway, after Rosero wrote that letter,
15 supposedly offering to surrender, he pled guilty to drug
16 trafficking charges; and with it came a ten-year mandatory
17 minimum and \$4 million in forfeiture payments. So ten years
18 later, he has to pay \$100,000. At that rate, \$100,000 paid
19 every ten years, he will have \$4 million paid off in 400
20 years, which means never, despite having properties in
21 Colombia and Mexico. Has not spent a single day in jail.

22 The Government asked the judge to release him
23 on the day of his guilty plea on bail. Why? His guidelines
24 were life, with a ten-year mandatory minimum. Would it have
25 killed them to have him spend a year in jail? Nothing. He

1 is not getting any jail time one he gets that 5K1 letter in
2 his pocket. The judge is going to put him back in jail
3 after all these years? He pled guilty ten years ago,
4 released on bail. He's got a pretty good life. Got to keep
5 almost all the money he made illegally. It's stunning.

6 And on top of that, the Government has made
7 visa applications for him and his family to live here, don't
8 you know, amongst you nice people. He's jumping ahead of
9 God knows how many people who want visas.

10 MS. PARLOVECCHIO: Objection.

11 THE COURT: Sustained.

12 MR. LICHTMAN: He won't spend a day in jail. What
13 a bargain he got, what an unbelievable bargain.

14 Not as good as Christian Rodriguez, though,
15 who committed massive crimes before he even met Mr. Guzman
16 and the Cifuentes brothers. He didn't even get charged.
17 Was paid \$400,000 by the Government -- by the Government --
18 and decided, ha, why should I pay taxes on it? It's not
19 like they are going to do anything to me. Well, the IRS,
20 you know, they are going to bring charges against you. Runs
21 to the Government, gets an immunity letter for that too; but
22 he is paying back I don't know how many tens of dollars a
23 month he is paying back.

24 Oh, by the way, that \$5 million award, he is
25 going to get that too. That's a pretty good deal.

1 5 million bucks, 400,000, doesn't get charged for tax
2 evasion, doesn't get charged for drug dealing, and the visa
3 applications for German Rosero and his family haven't been
4 granted yet, although he has been here ten years.

5 What do you think they are waiting for before
6 he gets those visa applications. It's taken ten years.
7 There is one intervening factor that you heard from the time
8 he was let out of jail on bail, despite having guidelines of
9 life and a ten-year mandatory minimum, and getting those
10 visas. One thing intervening: Mr. Guzman's trial. So hang
11 that over his head, give us what we want, and we will take
12 care of you as well.

13 This is what it can come to. That's how easy
14 it is to get visas. It doesn't make a difference how many
15 people you kill, doesn't make a difference how many drugs
16 you traffic. That's what it's about here.

17 And I don't want to hear about, well, one
18 witness said the same things as other witnesses so you can
19 believe them. You know, normally I would say, yeah. If you
20 have got four or five people saying the same thing, well,
21 yeah; but these are not normal people.

22 These aren't even normal criminals. These
23 are like the worst criminals ever; and I'm not just talking
24 about in terms of how many people they killed, the drugs
25 they trafficked. I'm talking about the way they perverted

1 the system, how far they have gone to get their hands on
2 evidence before they are even arrested, before they are
3 debriefed. They are bribing all the way up to the
4 president. They are getting fingerprints taken out. They
5 are getting their identities wiped clean. They are changing
6 their ears. Their ears! Come on.

7 They have manipulated every last lawyer or
8 prosecutor they have ever come across. Chupeta and Jorge
9 had criminal records expunged. Let's not pretend they are
10 not capable of getting their stories straight together. You
11 are going to believe 100 percent that these people have been
12 honest since they came here? You know they haven't been
13 honest. They have been forced to tell you.

14 Rosero testified when he met Mayo Zambada he
15 lived in a huge, luxurious home. How can he live in such a
16 luxurious home when Mr. Guzman is living with tube
17 televisions, planks of wood for a bed, can't pay salaries,
18 has a 21-year-old girl hunting down cut-rate marijuana
19 deals. That's sounds like the boss of the Sinaloa Cartel,
20 doesn't it? If that's the boss of the Sinaloa Cartel, we
21 have got problems. It's not true.

22 Ask for readbacks, if you want, what the
23 witnesses testified about Mr. Guzman's home and his wealth.
24 When you hear -- when you ask for it and you hear about all
25 the homes by the beaches, see what corroboration you have.

6865

1 No corroboration. That's the truth. Compare the way
2 Mr. Guzman lived compared to the way the Cifuentes brothers
3 lived, Mayo Zambada, Chupeta. Somehow he lives worse than
4 all of them, but he is Mr. Big, he is the one at the very
5 top.

6 Rosero also testified that while he knew the
7 term Juanitas was used for drug shipments, he had his own
8 accounting. It wasn't the ledgers that you were shown with
9 Chupeta.

10 (Continued on the next page.)
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Summation - Mr. Lichtman

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1 MR. LICHTMAN: Rosero was a huge part of Chupeta's
2 organization, yet he was unaware of the ledgers that you saw
3 in court. Every time there was a project finished, quote --
4 I'm reading his testimony -- *I kept an accounting of the*
5 *expenses, who had been paid, who had been delivered to, and I*
6 *would bring the information down to Colombia.* It sounds like
7 the ledger Chupeta described, except they weren't, and we
8 don't have those ledgers here.

9 He also testified that Mr. Guzman did not have his
10 own organization of drug transporters, then he denied it and
11 then he admitted it. He's either head of this giant powerful
12 organization or not. Rosero and his \$4 million forfeiture, as
13 I said, he paid one-fortieth of it in the past ten years. How
14 do we know that he can't pay anymore? Because he filled out a
15 financial statement that had no corroboration, no back up.

16 Tell me something. You want a loan for a bicycle --
17 for a bicycle -- and you have to fill out an application, and
18 you don't just write and say, I got 20 bucks here, I got a
19 thousand here. They're, like, give us the corroboration. We
20 are not doing anything for you until we get corroboration. We
21 want to look at your FICA score, we want to look at your bank
22 accounts, show us the money you have so you can borrow money
23 to get a bicycle. That's what would happen to you people if
24 you wanted a loan. Well, isn't that what he's doing basically
25 by not paying off the \$4 million that he's owed to the

Summation - Mr. Lichtman

6867

1 Government? He's taking out a loan, a loan that he will never
2 pay back, and he's asked no fill out a financial statement
3 that's completely bogus. He just wrote whatever he wanted and
4 turned it over. He even said in his cooperation agreement
5 that he would be required to turn over financial records if he
6 was asked. He wasn't asked, come on, and he can pay off some
7 of this money. He admitted to having \$550,000 of assets.
8 They didn't tell him to turn over any of it.

9 He was asked: *And you did not turn that 550,000*
10 *over to the Government, did you?*

11 *Answer: No.*

12 *So you got to keep it, you got to use it, and you*
13 *got to do whatever you wanted to do with it?*

14 *Answer: Yes.*

15 He also said he had a house in Cali, Colombia worth
16 200,000; a house in Mexico worth 400,000; another house in
17 Colombia worth 180; the house in Puerto Vallarta worth
18 438,000. The Government didn't seek any of it. It's a show
19 to pretend that Rosero was doing the right thing; that they
20 are doing the right thing -- the Government. It's a show, but
21 it's a sham, and you know it because it's consistent across
22 the board with their witnesses just to fool you to make it
23 appear as if these people have things hanging over their heads
24 and they are being punished gravely for their actions.

25 What do you think would happen to a regular person

Summation - Mr. Lichtman

6868

1 like us if we dealt drugs? You think you would get no jail,
2 get to keep all your assets? Do you think you would get the
3 red carpet rolled out for you? You know what would happen.
4 You would go right into a cell and be forgotten.

5 MS. PARLOVECCHIO: Objection.

6 THE COURT: Sustained.

7 MS. PARLOVECCHIO: May we approach, your Honor?

8 THE COURT: It's not a valid argument, ladies and
9 gentlemen; you should not be drawing that comparison.

10 Go ahead, Mr. Lichtman.

11 MR. LICHTMAN: If you have Chapo Guzman to cooperate
12 against, you can get benefits. That's my point.

13 Tirso Martinez. He entered America illegally 50 to
14 100 times; had five to ten fake passports to enter America --
15 he doesn't even know the exact number -- he used dozens of
16 aliases to hide his identity; loved watching gamecocks with
17 blades attached their feet that would slash each other to
18 death in a small ring; he used cocaine daily for decades, is
19 an alcoholic; used marijuana three to four times a week, and
20 like all the other witnesses, despite massive drug and alcohol
21 abuse, don't you know it, it hasn't affected his memory at
22 all. It's perfect. Very good on direct examination. He was
23 perfect. Cross-examination, ooh, not so good.

24 Another fine witness presented to you. He told
25 you -- Tirso Martinez -- that Mr. Guzman and Mayo Zambada were

Summation - Mr. Lichtman

6869

1 partners in the '90s. How does he know that? Well, someone
2 named Vasquez told him that. Well, that's rock solid proof.
3 Tirso said that Vasquez told him that Mr. Guzman transported
4 cocaine in chili cans to the United States. Where is
5 Mr. Vasquez? He's not here. We will just take the word of
6 someone who he supposedly told it to. It's very easy to throw
7 Mr. Guzman's name into a sentence with Mayo Zambada, with El
8 Azul, Nacho Coronel, Amado Carrillo.

9 Tirso similarly testified about a thousand kilogram
10 cocaine seizure in El Paso, Texas in 1999. Here's how he knew
11 that the drugs belonged to Mayo Vicente Zambada.

12 *Question: How do you know about the seizure?*

13 *Answer: Because Sombrita told me.*

14 *Question: Do you have his last name?*

15 *Answer: No.*

16 Well, that's beyond a reasonable doubt. Some dude
17 named Sombrita whose last name I don't know. Well, let's
18 check the box, let's go on to the next count because of course
19 they are all telling the truth. How about at least admitting
20 that they've had some issues with truth in the past? How
21 about at least admit it? Just because they back him doesn't
22 mean that he's telling the truth.

23 They met with these witnesses 40, 50, 100 times,
24 hours at a time. They can learn anything they need to in
25 order to testify in front of you. No sort of dishonesty is

Summation - Mr. Lichtman

6870

1 beneath them.

2 As I said, the multiple facial surgeries, I would
3 respectfully submit to you that none of these witnesses are
4 dying in jail. Who could possibly believe that?

5 Tirso bribed police, lied to American law
6 enforcement after his arrest in 2014 because he claimed he
7 wanted to protect his assets. He's willing to lie to protect
8 his money, but he won't lie to get his freedom? He's also
9 facing ten years minimum to life in prison, and what does he
10 hope to get after he finishes testifying? That 5K1 letter to
11 get him time served. He's also getting visas for himself and
12 his family. In America, who would have thought? I never
13 thought that it was so easy to get.

14 He began cooperating and his lying did not end. He
15 lied to a prison official to get into protected custody.
16 Claimed someone wanted to hurt him because he was testifying
17 as Mr. Guzman. Boy, that's easy to blame. He lied about it.
18 Willing to lie about Mr. Guzman, yet he was testifying here in
19 front of you.

20 He managed to put Mr. Guzman on top of Mayo Zambada
21 in the organizational chart. If he could have reached any
22 higher, he would have put him on the ceiling. That's what he
23 wanted because he knows where his bread is buttered. He knows
24 what he needs to do to get what he wants. These people are
25 animals. Get that 5K1 letter, get me out of jail, that's how

Summation - Mr. Lichtman

6871

1 it works in America.

2 Martinez was extradited to the United States on
3 December 17, 2015. Couple months later he was cooperating
4 with the Government. He then met with them for the first time
5 and signed a proffer agreement where he promised to tell the
6 truth. Obviously, again, he was trying to get out from under
7 his tremendous amount of time. He didn't know that Mr. Guzman
8 would be going to trial late in 2018, and he discussed for the
9 Government the 1999 El Paso, 1,000 kilogram warehouse seizure
10 just like he did for you, the jury, but in that proffer he
11 claimed that the cocaine belonged to Vicente Carrillo. Amado
12 Carrillo, his brother, had already died, as he said, and he
13 told the Government that Mayo Zambada had taken over and was
14 in charge of all the drugs. So he didn't mention Chapo
15 Guzman, but you are supposed to know that whenever Mayo
16 Zambada's name is mentioned, that means Chapo, too. Well, you
17 know what, it doesn't. It doesn't. I don't say that it does.
18 It doesn't. He didn't mention Joaquin Guzman; he didn't
19 mention Chapo; El Rapido, short legs, none of that. When his
20 memory was better back then, he didn't mention Chapo Guzman.
21 When he needs to convict Chapo Guzman to get help on a
22 sentence, Chapo Guzman is involved. Then he's on top of the
23 organizational chart ahead of Mayo Zambada.

24 Then there was this whopper of testimony that I
25 found that I missed when it came out:

Summation - Mr. Lichtman

6872

1 *Question: Let me ask you directly, have you lied*
2 *about historical events to help yourself out?*

3 *Answer: Probably so.*

4 There he's admitting that he's a liar under oath.
5 Martinez testified about his history of drug dealing from the
6 '90s into the 2000s, receiving cocaine in Chicago. Who is the
7 source of the Chicago drugs according to Martinez? Mayo
8 Zambada, El Flaco, Amado Carrillo, Nacho Coronel. When he was
9 in charge of the train routes in 2000 to 2003, who gave him
10 the drugs? Alfredo Vasquez, with drugs owned by Nacho Coronel
11 and others including Vicente Carrillo from the Juarez Cartel,
12 Tostado, Rasqueno.

13 He mentions them all. Didn't mention one name. He
14 opened up drug warehouses in New Jersey, Queens, Brooklyn.
15 Didn't tell the Government in February 2016 that Mr. Guzman
16 was the owner of the drugs. The Government says, well when he
17 mentions Mayo Zambada, of course that means Chapo Guzman.
18 Well, if he's going to be blamed for everything Mayo Zambada
19 did, what are we doing here? Where is Mayo Zambada? Chapo
20 Guzman is on trial here.

21 Here is one -- I'm getting near the end. I'm being
22 merciful on you.

23 Here's a question and answer that he had:

24 *Question: Not once did you mention Joaquin Guzman*
25 *as Mayo Zambada's partner in your interviews in February 3rd*

Summation - Mr. Lichtman

6873

1 *through the 8th of 2016, did you, sir, not once?*

2 *Answer: I don't remember.*

3 *Not once did you mention that Mayo Zambada and*
4 *Joaquin Guzman, not once, were partners from 2003 -- from 2000*
5 *to 2003, those initial interviews, when you said you were*
6 *truthful in 2016, did you, sir?*

7 *I don't remember.*

8 *It's only after you have 30-plus meetings with*
9 *Government counsel that they become partners -- Mayo and*
10 *Chapo -- isn't that correct?*

11 *I don't remember in those meetings but I know later*
12 *on, yes, I started telling them because I started remembering*
13 *more things and my memory was refreshed as we had more*
14 *meetings.*

15 *His memory was refreshed because he realized what*
16 *they needed from him. Chapo Guzman. He discussed this gross*
17 *profit of 55 to \$70 million from 2000 to 2003. That's a lot*
18 *of money. He bought a restaurant in Tijuana; four clothing*
19 *stores; at least four soccer teams -- he sold one team for 10*
20 *million, was bought out of another team because the soccer*
21 *federation shockingly didn't want a drug dealer as one of*
22 *their owners, that's another 10 million -- bought him these*
23 *five properties; a plane; multiple show horses; expensive*
24 *cars; lost a million dollars betting on cock fights, including*
25 *100,000 on a single bet; owned a body shop in Los Angeles; a*

Summation - Mr. Lichtman

6874

1 restaurant in Rockford, Illinois of all places; a car
2 dealership in El Monte, California. Yet when he spoke to the
3 American agents and prosecutors, he lied and said he was never
4 wealthy. Lied because he thought it would help him. He's
5 trying to protect his money. That's how low they are going to
6 go. They're going to lie about their money. You don't think
7 they will lie to protect their freedom?

8 Now after agreeing that he shipped 50,000 kilos of
9 cocaine into America -- where, again, 450 kilograms gets you
10 life -- he relies on just one party to get him below that
11 sentence, one party. It's not you, it's not me, it's not the
12 Judge. Only one party can give him that 5K1 letter, and
13 that's the Government. He's got to pay that 2 million of
14 forfeiture before he's sentenced, but he's paid none of it,
15 he's not, he never will, you know he's not. As long as one
16 man is convicted, all will be forgiven. We've heard that he's
17 working to get the properties to the Government. Boy, they
18 work so hard to get those properties to the Government before
19 they testify. Just never seems to happen, though. I guess
20 there's just a lot of red tap, that awful red tape.

21 Edgar Galvin. This was a classic example. It was
22 actually a sad case. He was at the end of his rope, the end
23 of the line, he'll do anything to get out of jail. You heard
24 that sad tale about his daughter abandoning him. He is
25 desperate. He has a 24-years-and-change sentence, rarely

Summation - Mr. Lichtman

6875

1 mentioned Mr. Guzman at his initial debriefings, only
2 mentioned he's present for a phone call between Mr. Guzman and
3 a fellow named Marrufo.

4 Galvan got his 24-year sentence -- 24-plus
5 sentence -- and filed for post-conviction relief. He files
6 for post-conviction relief, all of his appeals are gone. He
7 lied like crazy on those affidavits in order to try to get out
8 of jail. It's the same oath that he took here. It's
9 different now. It's not different. You are lying under oath
10 to a judge. Sound familiar? He's going to do anything. This
11 guy was literally at the end of his rope and then he was
12 visited by agents, and like angels from heaven came down and
13 said, you are saved, forget the 24 and change, forget that you
14 lied under oath, forget that you submitted false papers to a
15 court like this one. What was the magic words that helped him
16 out and saved his life? Praise the Lord. Joaquin Guzman.

17 Suddenly, Galvin says that Marrufo paid \$3 million
18 per month to have total control of Juarez in Mexico. That
19 wasn't even elicited on direct because I presume it was such
20 ridiculous numbers that even the Government thought it was
21 crazy. Sometimes you can lie so much that even the
22 Government --

23 MS. PARLOVECCHIO: Objection.

24 THE COURT: Sustained.

25 MR. LICHTMAN: Mr. Galvan was shown two photos of

Summation - Mr. Lichtman

6876

1 Mr. Marrufo, two Government photos. Those look like twins.
2 They look like the Flores twins, don't they? I mean, they
3 look like the exact same person. They are almost exactly
4 alike, except for every last thing. Other than that, they are
5 perfect identical twins. They look nothing alike.

6 THE COURT: Can I have the audience quiet in the
7 courtroom, please.

8 MR. LICHTMAN: Do they look alike to you? Nothing
9 alike. Same person, right? Just check that next box over
10 there with that big marker. Check. Convicted.

11 Why is he willing to say anything? Because he wants
12 to get out of jail. He wants that get-out-of-jail card --
13 that get-out-of-jail-free card. I haven't played it in a
14 while. There it is, community chest. The good ole community
15 chest. What do all those cooperators have in common? They
16 want that card and that card is either a 5K letter or a Rule
17 35 motion, and Mr. Guzman is their ticket.

18 Here's the bottom line. If the evidence is so
19 overwhelming against Mr. Guzman, why do these liars have to
20 testify? Lunatic drug-dealing maniacs getting sweetheart
21 deals, not having to pay money back. Why, why, why are they
22 given so much for Mr. Guzman just to get him? German Rosero,
23 not a day in jail; Christian Rodriguez, not even charged.
24 They pay him money and he even cheats on that.

25 In the end, you must decide if you can live with

Summation - Mr. Lichtman

6877

1 this, with their lies; if you feel too mislead about the lies
2 that they say the testimony is true on, but they refuse to
3 acknowledge all the lies of their witnesses, all the sneaky
4 moves, all the looking the other way where property and money
5 were hidden; the lies about how cooperation agreements were
6 ripped up when they lied; lies about how the cooperators may
7 still get life in prison even with the magic 5K1 letters, even
8 when you know that each and every one of them will be out
9 soon. The prosecutors talked about their testimony like it's
10 gospel, but these witnesses lied to you and they lied
11 repeatedly. It's only a matter of time before they are back
12 in the criminal business, the only life that they knew; and in
13 the end, you must decide if Mr. Guzman deserves a better shake
14 from the Government, if this prosecution was fair, if it was
15 honest, and you must decide if you would want the same
16 treatment for your loved ones and friends, the same treatment
17 that Mr. Guzman is getting here.

18 I'm going to hit a few areas and then I'm going to
19 be fished. Mr. Purpura threatened me that I had to say these
20 things, so I'm going to.

21 There are BlackBerry messages that Ms. Goldberg
22 spoke to you yesterday about. She showed you this chart with
23 Mr. Guzman's friendly face at the top of the heap. When it
24 was admitted and testified to by Agent Zappone that monitored
25 these messages, the person was unknown because the only way

Summation - Mr. Lichtman

6878

1 you could tell it was at the top is through the cooperators
2 telling you, and depending on who's on trial and who the
3 cooperator is pointing to, it could be anybody. It could be
4 Mayo Zambada, Vicente Zambada, Damaso Lopez, or it could be
5 me. Who knows?

6 Regarding the recordings, the Government claims that
7 it's Mr. Guzman's voice which had been intercepted, but
8 members of the jury, there are no calls between Mr. Guzman and
9 the big bosses that the Government has presented.
10 Mr. Guzman's calls were intercepted for an entire year in 2011
11 and you never heard him speak to any of the allegedly top
12 associates of his. You don't hear him speaking with Mayo,
13 Jorge Cifuentes, Damaso, Vicente.

14 How did the Government prove that it was Mr. Guzman
15 on these calls? Instead of proving it, Ms. Goldberg yesterday
16 said, well, you know, these calls are the same and you heard
17 the same voices, but what's the evidence that actually came
18 out during the trial that these were the same voices? What
19 was the evidence? You had witnesses listening to different
20 calls, and they were, supposedly, Mr. Guzman. Some of them
21 even said there were difference in voices, and we're told,
22 well, when you are in distress sometimes your voice sounds
23 different. We didn't have an expert, so we don't know. We
24 are just told that by the Government, check the box, let's go
25 to the next one, let's get out of here.

Summation - Mr. Lichtman

6879

1 She had the opportunity to play Mayo Zambada's
2 voice, you know, because he called his son, spoke to his son
3 when he was in jail. You could have heard Mayo's voice to
4 make sure that it wasn't the voice on the tape, right? Mayo
5 and Chapo or Chapo and Mayo. Why not play Mayo's voice so you
6 can cross that out? It wasn't played for you.

7 Now, let's listen to some of the calls now if we
8 can. Actually, it's calls and also an interview. I want to
9 play the first one. This is a call? This is a call that's
10 supposedly Mr. Guzman's voice. Listen to this.

11 (Audio played.)

12 (Audio paused.)

13 MR. LICHTMAN: Now we are going to listen to
14 Mr. Guzman, that Rolling Stone interview.

15 (Audio played.)

16 (Audio paused.)

17 MR. LICHTMAN: Does that sound like the same person?
18 I mean, do you really, beyond a reasonable doubt, know that
19 that's the same person just because they say so? Come on. It
20 doesn't sound like the same person. You know, you even heard
21 from Pedro Flores which said the voices were different. Like
22 I said, they could have called a voice expert in. They had
23 the handwriting expert, Osborne, that came in. You know that
24 experts like this exist in the FBI. We heard about it from
25 Marston. They could have called somebody in, analyzing voices

Summation - Mr. Lichtman

6880

1 and leaving you signs showing you that it's the same. They
2 didn't. We got the handwriting expert. Can't get enough
3 handwriting experts in a case, I suppose.

4 What the point is is what the Government is hiding
5 from you is that the voice on those tapes could be anybody.
6 Who knows? Who knows who it could be? It could be Mayo
7 Zambada. You heard, as I said, from Vicente, he spoke to his
8 father. At least play the tapes so we can cross them out.
9 Why didn't they? What's being hidden from you?

10 Speaking of John Osborne, the handwriting expert,
11 analyst, the Government brought him in, and I guess they think
12 that you're not capable of deciding on your own whether
13 handwriting is the same from one to the other, I don't know.
14 I considered the handwriting expert to be a little bit of a
15 joke, especially when a voice expert was not brought in. He
16 said: *Yeah, this loop likes like it.* Yeah, whatever. Your
17 intelligent enough people, you can look at letters and decide
18 if the handwriting is the same. We are not children. We have
19 life experience. We can figure it out.

20 Now, with regard to the interrogation video that was
21 played, the Government was focused on this You Tube video
22 which has been publicly available, we learned, since March of
23 2012. You have seen this video a lot from the trial, but
24 Agent Marston who has never met, seen, or heard Mr. Guzman in
25 his life identifies him in this grainy video without any

Summation - Mr. Lichtman

6881

1 attempt to electronically enhance the image. Marston said,
2 well, you know, the guy is Spanish-speaking, probably Mexican,
3 he's got a black hat, Guzman's got a black hat, got a
4 mustache -- Guzman's got a mustache. Same cap and mustache,
5 so that's Chapo Guzman right there. Oh, my god. Who else
6 could that be? Of course we know that there are other people
7 that have mustaches and black hats. Mayo Zambada. Mexican,
8 mustache, hat. It could have been the Frito Bandito and he
9 would have blamed it on Mr. Guzman -- hat, mustache, gun.

10 How many times did we see the picture of Mr. Guzman
11 and the gun with the leopard on it or the gun with the JGL
12 initials? Mr. Vasquez showed you a picture of the gun. No
13 gun. They don't have the gun. Just pictures of it.

14 Now I'm going to circle back to 2011 and '12, and we
15 know what the alleged Sinaloa Cartel leader was doing. We
16 know that, at most, Mr. Guzman was obtaining small amounts of
17 marijuana from larger marijuana traffickers in the golden
18 triangle, his backyard.

19 And listen, I have to bring this up again because
20 it's so ludicrous. Lucero Sanchez, she was the Sinaloa state
21 legislator that got caught up in this whole mess, and she has
22 been in prison for the last year and a half. What does she
23 do? She was tasked by Mr. Guzman to find small amounts of
24 marijuana to sell. Again, it makes no sense that the leader
25 of the Sinaloa Cartel is sending this woman to look for a cut

Summation - Mr. Lichtman

6882

1 rate in marijuana deals. The biggest drug dealer on the
2 planet, according to the Government, and Lucero is responsible
3 for finding these relevantly small amounts in that area, and
4 she's facing ten years minimum in prison for her trouble,
5 which is ten more years than Andrea Fernandez received -- she
6 got zero -- ten more years than Andrea Fernandez received, and
7 ten more years than Christian Rodriguez received, and he
8 wasn't even charged. But the Government needed a sad female
9 so she was brought to you, a victim of Mr. Guzman, right, so
10 that's what she was here for, but she was so terrified of
11 Mr. Guzman that she was able to walk away from all that to
12 become a politician in 2012. I don't know what the purpose of
13 her testimony was.

14 In 2013 and '14, we know through the reluctant
15 testimony of John Zappone who was analyzing 1.5 million --
16 1.5 million electronic messages, he concluded in the course of
17 his review of all those messages from 2013 to 2014 he didn't
18 find any evidence that Joaquin Guzman moved any drugs to
19 Chicago. That's shocking.

20 February 16th, 2014, Culiacan, they have identified
21 seven properties and not once did Victor Vasquez indicate that
22 the U.S. Government and Mexican authorities obtained
23 information as to who the owners of these properties were.
24 And, most importantly, is there any connection to Mr. Guzman
25 to his ownership? Nope. Agent Brendan Hanratty said that the

Summation - Mr. Lichtman

6883

1 U.S. Government couldn't find these property records but
2 surely the Mexican government would be able to do that, but
3 we've got none of their records. They don't support the
4 Government's theory; they are not here.

5 And now we come to 2015, the great escape. Contrast
6 the simple laundry cart escape of 2001 to what occurred in
7 2015 with this tunnel. There was one cart, one person pushing
8 it -- a guy named Chito -- doors up into the truck, Mr. Guzman
9 goes, and he vanishes from a maximum security prison. 2015,
10 they're digging a one-mile-long tunnel, sophisticated
11 tunnel -- generators, lighting, air ventilation -- 36 feet
12 under the ground, nine months to construct. Everybody had to
13 hear the construction. My God, it was right under the prison.
14 Who didn't hear that? Of course they knew about it. They
15 looked the other way. They are Mexican prison officials; they
16 were bribed.

17 As you saw from the video, Mr. Guzman escaped
18 through the shower down a mile-long tunnel that took over half
19 an hour -- 37 minutes -- for anyone inside the prison to even
20 notice that he was gone. So why build a tunnel for
21 nine months -- took nine months to build, to dig -- when it's
22 clear to all of us that the Altiplano Prison people were in on
23 this? Of course they were in on this. If he could pay off
24 the entire prison over nine months to build a tunnel before
25 they even checked his cell, took 37 more minutes to make sure

Summation - Mr. Lichtman

6884

1 that he got out safe before they sounded their red alert, if
2 someone could afford to buy off nearly every guard in the
3 facility, or whatever it took, wouldn't it make more sense
4 just to use another laundry cart? Unless someone wanted
5 Mr. Guzman's stature to rise again and become El Chapo, look
6 what he's done, yeah, and has a target put on his back and
7 again Mayo Zambada stays in the shadows.

8 James Bradley, the Department of Defense tunnel
9 expert testified this week. One of the Government's last
10 witnesses who testified against Mr. Guzman told you, himself,
11 that the 2015 escape from the Altiplano Prison cemented his
12 reputation. Again, it benefits just one person, Mayo Zambada,
13 the wily fox who has managed to stay unarrested --
14 unarrested -- and free for 50 years despite the American
15 Government knowing full well how they can contact him on the
16 phone with the Mexicans looking the other way for 50 years due
17 to bribes. Getting Mr. Guzman out of the Altiplano Prison
18 through a spectacular jail break just served to cement
19 Mr. Guzman's reputation to embarrass Mexico and to make him an
20 even more-wanted figure which takes the heat off of Mayo
21 Zambada again.

22 The reason I'm bringing up all of these ridiculous
23 happenstances of the witnesses' testimony, their ridiculously
24 low sentences they know they are about to get -- that they
25 know they are about to get, the passes on any of the

Summation - Mr. Lichtman

6885

1 forfeiture that they owe despite all that scary language in
2 their cooperation agreements saying about the zillions that
3 they must pay, the show that was put on for you, the claims
4 that they are going to be punished if they lie when you know
5 that they lie while they are cooperating and nothing has
6 happened. It's to explain to all of you that it adds up to
7 one thing -- reasonable doubt. Reasonable doubt. It's their
8 burden of proof to prove each and every element of every
9 charge beyond a reasonable doubt.

10 (Continued on the following page.)
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25

Summations by Mr. Lichtman

6886

1 MR. LITCHMAN (CONTINUED): And the shady actions
2 that occurred here are reasonable doubt for personified. If
3 you don't believe me, ask Mayo Zambada, the biggest drug
4 dealer on the planet with a \$5 million bounty on his head
5 from America, his brother and his kids cooperating, and he
6 still remains free.

7 Now, I have exhausted all of you. I'm at the end,
8 I have exhausted all of you with so much detail. Now, I'm
9 going to I apologize again. I apologize at the beginning
10 and I'm apologizing at the end, but I am fighting for a
11 man's life here, and I laid out all the problems with their
12 case for one reason, to cover the walls of this courtroom
13 with reasonable doubt. And I know that some of you were
14 disgusted by what you saw in this trial. And I don't know
15 who, but I know that some of you were disgusted with what
16 you were shown by these witnesses in the way they were
17 treated, they way they lied on the stand. I know it. I
18 know it.

19 The behavior of these witnesses and what they've
20 done respectfully warps anything that Mr. Guzman is alleged
21 to have done. You heard it. If you add it all up, you
22 could fill this courtroom with the bodies, with the cocaine
23 before they even met Mr. Guzman. There is massive
24 reasonable doubt here. You have what you need to acquit if
25 you would like to acquit, if you are willing to acquit, if

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1 you're willing to keep an open mind. If you're willing to
2 look past the name El Chapo. If you're willing to acquit,
3 you have the tools that you need to acquit if you're willing
4 to acquit.

5 And I ask you this: Treat Mr. Guzman the way you
6 would like yourself or a loved one to be treated in an
7 American courtroom, because but for the grace of God, it
8 could happen to any of us. Your work has been stellar up to
9 this point. You have paid attention at times when I was
10 having difficulty paying attention. It's almost over. It's
11 almost over one way or another. It's almost over.

12 Now, I know some of you have doubt about the
13 Prosecution's case. As I said, I don't know how many of you
14 have doubt. I don't know. I know that some of you will not
15 stand for the behavior of these cooperators that you saw,
16 the dishonesty of this case, that you see the real doubt.
17 And I beg of you, each one of you to look into your hearts
18 and if you have that doubt, hold onto it. Don't let go of
19 the doubt. You have tools to acquit. You have the tools to
20 hold them responsible for those witnesses, their witnesses.
21 You don't have to give in. If you have strongly held
22 beliefs, you can hold onto them. Hold onto them like you're
23 holding onto life. You don't have to give up your strongly
24 held beliefs. No matter what goes on in the back there, you
25 can hold onto them, hold onto them forever. That's your

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1 choice. You can do it. You don't have to give into the
2 myth of El Chapo and just convict with the big red pen just
3 because someone tells you you can do it. You can hold onto
4 your doubts and say no, no, no, not guilty.

5 Thank you on behalf of myself for all your
6 patience, the defendants team and Mr. Guzman. Thank you.

7 THE COURT: All right. Thank you, Mr. Litchman.

8 Ladies and gentlemen, we will take our
9 mid-afternoon break for 15 minutes until 3:05. Please
10 resist any temptation to talk about the case. Do not talk
11 about the case.

12 (Jury exits the courtroom.)

13 (The following matters occurred outside the
14 presence of the jury.)

15 THE COURT: Who is going to close for the
16 Government.

17 MS. LISKAMM: I am, your Honor.

18 THE COURT: Do you think you can finish if we
19 start at 3:05 by 4:30?

20 MS. LISKAMM: Yes.

21 THE COURT: Let's try to do that. All right. See
22 you all at 3:05.

23 (Recess taken.)

24 THE COURTROOM DEPUTY: All rise.

25 THE COURT: Please bring in the jury.

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1 We need the Government's amended verdict form with
2 the charge language in front of it, remember?

3 MS. PARLOVECCHIO: Yes, your Honor.

4 THE COURT: Okay. Send us that, please.

5 MS. PARLOVECCHIO: We'll do. Thank you.

6 (Jury enters the courtroom.)

7 (Jury present.)

8 THE COURT: All right. Everyone be seated,
9 please.

10 The Government's rebuttal argument. Ms. Liskamm.

11 MS. LISKAMM: Thank you, your Honor.

12 Good afternoon, ladies and gentlemen. We're
13 almost done.

14 Mr. Litchman started his closing this morning by
15 stating that there were many things that he did not hear
16 from the Government's summation yesterday. Interestingly,
17 what you didn't hear much of today in the defense closing
18 was the mention of the defendant who is on trial here,
19 Joaquin Guzman Loera. You didn't hear much about Chapo
20 today. In fact, many of you may be wondering, whose trial
21 are you sitting in? Are you sitting here in the
22 United States versus Mayo Zambada? Are you sitting here in
23 a trial of the United States versus the Cifuentes Brothers?
24 Some of you may be even wondering was the Government on
25 trial? Ladies and gentlemen, this is an effort to distract

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1 you from the cold, hard evidence that has been presented to
2 you over the months and months of trial. The evidence that
3 points to one inescapable conclusion, and that is that this
4 defendant was one of the leaders of the Sinaloa Cartel and
5 that this defendant is guilty of the crimes charged.

6 Now, Defense Counsel spent a lot of time talking
7 about the 14 cooperators, and he talked to you about what
8 horrible people these cooperators are. Ladies and
9 gentlemen, they're bad. We absolutely accept that, and you
10 saw that through their testimony and what they pled guilty
11 to. But, ladies and gentlemen, make no mistake, we did not
12 pick these witnesses. The defendant picked these witnesses.
13 Chapo Guzman picked these people to work for his
14 organization. He picked these people to be his pilots, his
15 transporters, his confident, his right- and left-hand men to
16 traffic the cocaine from South America up here to the
17 United States. These were his people. Those are the people
18 that we put on the stand.

19 Now, ladies and gentlemen, the day that cocaine
20 conspiracies are made in heaven, is the day that the
21 Government is able to call angles as witnesses. But that's
22 not what we have here. These are bad people, and they have
23 pled guilty to the crimes that they have committed. But,
24 ladies and gentlemen, make no mistake, each and every one of
25 them reported to him. He was their boss.

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1 If you want an expert on drug trafficking, these
2 are the people that you talk to. If you want an expert on,
3 let's say real estate, you go to a broker. If you want an
4 expert on a medical condition, you go to a doctor. But,
5 ladies and gentlemen, if you want to hear the inner workings
6 of the Sinaloa Cartel, how the day-to-day operations happen
7 and who is in charge of that organization, you go to people
8 like Jorge Cifuentes. You go to people like Chupeta. You
9 go to people like Damaso Lopez Nuñez. They were in the
10 weeps. They knew what was going on, and they're the people
11 that you go to to get expertise on drug trafficking in the
12 Sinaloa Cartel.

13 Ladies and gentlemen, they say that you know a man
14 by the company that he keeps. Well, these were the company
15 that this defendant keeps. He's with his friends, his
16 business associates. These are exactly the type of people
17 that the leader of the Sinaloa Cartel was associating with.
18 This is the reality of life in the Sinaloa Cartel. There is
19 no hiding it. It's the ugly truth. But those are the
20 people that are going to tell you who the leadership in the
21 cartel was.

22 Now, Defense -- I was trying to keep track, but
23 the defense used the word "lie" it had to have been over 50
24 times in his summation this morning and afternoon. And when
25 it comes down to it, if the defense doesn't like the

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1 testimony that they heard, doesn't agree with the theory
2 behind that testimony, he called it a lie. Ladies and
3 gentlemen, that determination is up to you. You are here to
4 judge the credibility of these witnesses.

5 We have the burden of proving this case beyond a
6 reasonable doubt, and we gladly accept that. But think
7 about this: If there is such a smoking gun that shows that
8 these cooperators were making this up, don't you think that
9 would have been waived in front of you and paraded around
10 the courtroom. See, we caught them in a lie. But they
11 didn't do that. There were nuanced theories about, you
12 know, why this witness said this this time and maybe was
13 misunderstood the next time.

14 Ladies and gentlemen, we're not asking you to take
15 these cooperators at face value. Absolutely not. And I
16 know that some of you were probably slightly bored at the
17 tedious and sometimes slow repetition of details throughout
18 this trial. You probably thought to yourself, I've heard
19 this story 20 times before. Why are they going through this
20 again? Precisely for this reason: Precisely because we're
21 not asking you to accept these stories at face value. We're
22 showing you how these individuals are corroborating. Take
23 the story of the Rodolfo Carrillo's murder which you heard
24 numerous times. But think about the details that you heard
25 about that story. Think about how you heard the same things

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1 from people from all different sides of it. You heard from
2 Rey Zambada, Vicente Zambada, and Damaso Lopez Nuñez who
3 were in different locations in Culiacan when the murder
4 occurred, but you heard the same basic tenants over and over
5 again. He was coming out of a movie theater with his wife.
6 They were both shot. The Federal Police Commander Pedro
7 Perez was there. He got shot in the leg. There was a
8 shootout. The police followed them. They asked Mayo to
9 call the police off. The same thing over and over again.

10 We're not asking you to take Rey's testimony at
11 face value, Vicente's testimony at face value, Damaso's
12 testimony at face value. But look at all of the
13 corroboration among them. That's why yesterday during the
14 summation after each one of the 27 violations, we had a
15 chart, and you guys probably saw there were column on that
16 chart that had red checks to show you the overlap in between
17 the cooperating witnesses, the testimony from the law
18 enforcement about those procedures. Again, not at face
19 value, look at the corroboration. And we'll get to that in
20 a second.

21 One of the things that you probably do in like
22 your daily lives is when someone comes and tells you a
23 story, you listen to the details. You listen to assess how
24 much of the story you think is true, and you listen to how
25 the story is told. You listen to the details of the story

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1 and you make an assessment about it. And I suggest that you
2 look back at the testimony of these witnesses. You saw them
3 all tell you these stories. You heard the details. You saw
4 their demeanor. You saw how they recalled things that
5 happened, and that you can use those factors to assess their
6 credibility. Think back to the story that Lucero Sanchez
7 told you. She wasn't called to the stand because she was
8 some sort of sad woman. She was called to the stand to
9 testify about what happened in the Culiacan raid. And you
10 heard her testify about being in that tunnel, going down the
11 stairs into the tub, the details of the water and the sewage
12 tunnel, you heard all of that. Think about the details and
13 the demeanor that she had when she told you that story.
14 That's what I'm talking about when I talk about evaluating
15 credibility, evaluating the testimony of the details of how
16 they told that story. And I suggest that you do that for
17 all 14 of the cooperating witnesses, to see if their
18 testimony has that ring of truth that you know they must be
19 telling the truth. Again, we're not asking that you take
20 their testimony at face value. Look at it carefully. Look
21 at their motives. Do they have a motive to lie or tell the
22 truth? Do they get more out of lying on the stand or
23 telling you the truth?

24 Let's look at a couple people who testifies, and I
25 would suggest that all of the witnesses that testified all

Rebuttal Summation by Ms. Liskamm

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1 spoke to you about the consequences of what happened to
2 their plea agreement if they lie. And that was dismissed
3 during summation, defense counsel's summation. But you're
4 going to have those plea agreements, and if you want to look
5 at them, they've been entered into evidence, you can take a
6 look at them. But those were plea agreements that were
7 entered into court, formal, written, signed. You saw the
8 signatures on all of those plea agreements. Take a look at
9 those. But each one of the cooperators told you that if
10 they lie, those plea agreements get ripped up.

11 So someone like Damaso Lopez who's been sentence
12 to life, if his plea agreement gets ripped up, that's it.
13 There's no getting out for him. So think about what his
14 motivation is. Does he have a motivate to lie or to tell
15 you the truth about what happened.

16 Think about someone like Miguel Martinez. He's
17 done. He has nothing hanging over his head except a
18 potential perjury conviction. Does he have a motivation to
19 lie or tell you the truth when he gets on that stand.

20 (Continued on the next page.)
21
22
23
24
25

Rebuttal Summation - Ms. Liskamm

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1 MS. LISKAMM: Think about someone like Pedro Flores.
2 He testified that he's almost done with the sentence that he
3 got. Is he going to sit here and lie to you and risk getting
4 a life sentence once his plea agreement is ripped up, or is he
5 going to tell you the truth? This is what I mean by
6 evaluating the motives to lie or tell the truth.

7 Now, defense went through a lot of the testimony
8 that they characterize as being a lie and told you, you cannot
9 believe his testimony, doesn't make sense, you have to
10 discount it. Yet, they get to other parts of what the
11 witnesses said and that part you have to believe.

12 Like Chupeta, for example. You have to believe him
13 when he said he killed 150 people. But everything he said
14 about the defendant being involved in one of the loads.
15 That's incredible, that part's a lie. You can't have it both
16 ways: Either the witnesses are telling the truth or they're
17 lying but defense wants to pick and choose.

18 And I would suggest, ladies and gentlemen, that any
19 one of these 14 cooperating witnesses, their testimony will be
20 enough to convict the defendant. Think about that. Think
21 about each one of those cooperating witnesses' testimony. Put
22 aside the corroboration we talked about beforehand. Think
23 about that and think about the fact that all 14 cooperating
24 witnesses put together, these experts on drug trafficking, the
25 evidence put together of their testimony is damning.

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1 That's why we just spent however many hours going
2 through the witnesses's credibility. Their testimony about
3 the inner workings of the cartel about the inner workings of
4 the defendant's organization is damning.

5 And, ladies and gentlemen, I would point you back to
6 when you first came in a long time ago to fill out the jury
7 questionnaires. And, at that time, when you fill out those
8 questionnaires and you took an oath, you said that you will be
9 able to put aside any sort of bias against cooperating
10 witnesses. You said you could look at their testimony fairly
11 and judge them fairly despite the fact that they're
12 cooperating witnesses, despite the fact that they're
13 criminals. I would ask you to stand by that oath. I would
14 ask you not to reject their testimony simply because these are
15 cooperating witnesses.

16 Now, I want to talk some more about the credibility
17 of these witnesses and the corroboration that we are talking
18 about beforehand. Again, when someone comes and talks to you
19 let's say at school, at home, at work, and they tell you a
20 story, you try to figure out, you know, do I believe what that
21 person is telling me? Do I believe that an event happened?
22 You look at the corroboration. You look at, does this make
23 sense? Did something else happen that corroborates what this
24 person just told me?

25 There are so many examples of corroboration in this

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1 case that I don't want to spent hours boring you with it. But
2 I want to pick out a couple of specific ones.

3 First, and I know you saw a lot of head shots and
4 photos in this case, but there is a reason behind it. The
5 number of witnesses that testified to you about the four
6 central players in this case was staggering.

7 You heard about Picudo, Condor, the redhead
8 Chinakate. All the secretaries that worked for the defendant.
9 You heard about that time and time again. You also heard
10 about the defendant's head sicarios. Cholo Ivan, Bravo,
11 Fantasma. You heard about that from witness after witness.
12 You heard about it from over six witnesses that told you that
13 these were the central players these were the secretaries that
14 reported to the defendant, these were the sicarios that
15 reported to the defendant. More importantly, these were the
16 sicarios that carried out defendant's orders to commit murder.
17 You heard about that time and time again.

18 Something else you heard about it was actually just
19 reminded me. When defense counsel brought up Memin, Isaias
20 Valdez Rios and the stories he told you about the murders and
21 the bonfire and there was much said about the lack of
22 corroboration.

23 I remind you about the video that you saw, about the
24 shootout in Burrion and you heard about from Damaso Lopez
25 about how the defendant ordered his head sicarios to meet to

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1 go attack Cholo Ivan at Pasare. You heard about how they met,
2 they put Xs on their car, and they went to a shootout with the
3 pistoleros from Chapo's people. And you have Memin come in
4 here tell you the same story having actually been there. And
5 then you saw a video. These are all corroborative of the
6 shootout that happened in Corredo. It's another example for
7 you.

8 Something else that you heard about were carbon
9 fiber planes also sometimes called blank airplanes. You heard
10 about these planes were undetectable on radars and you heard
11 about how defendant was doing cocaine loads using these
12 planes.

13 You heard about these planes through Jorge
14 Cifuentes, Vicente Zambada, Lucero, Alex Cifuentes, and Damaso
15 Lopez Nunez. People who haven't seen each other for decades
16 all telling you about the carbon fiber planes that this
17 defendant was using. Another example was Cesar Gastelum. You
18 heard about how he trafficked cocaine from Honduras to Mexico
19 for the Sinaloa Cartel and the defendant. You heard about him
20 through Jorge Cifuentes, Vicente Zambada and Damaso Lopez
21 Nunez.

22 You also heard him discussed on one of the calls
23 between the defendant and Virgo, also known as Juancho. And
24 if you recall, all the witnesses identified Cesar as having an
25 alias of Enrique. On the call, they're talking about Enrique.

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1 You also probably recall Enrique's name being used on some of
2 the intercepts the a Blackberry messengers that were
3 intercepted. And more specifically, the defendant wanted to
4 kill Enrique or Cesar and, in fact, told Damaso Lopez over the
5 Blackberry messengers, "Let's hit that snitch."

6 All of these corroborating, Oh, and there's one
7 more. The letters that the defendant sent to Damaso from jail
8 also discussed Enrique. In fact, there was a lot of back and
9 forth during Damaso's direct examination and cross-examination
10 about Enrique's brothers and sending drugs to Canada. All
11 different corroboration of Cesar Gastelum, known as Enrique.

12 The office system. You guys heard about how there
13 were different layers of security, filters that were used to
14 pass messages throughout the Sinaloa Cartel. You heard about
15 this from Jack Cicone one of the agents involved in the
16 investigation. You heard about this from Memin, Damaso Lopez,
17 Lucero Sanchez. And they talked to you about how the system
18 worked. How you send a message. It would go to an office.
19 It would literally get cut and pasted into a new message that
20 was then eventually sent to the defendant.

21 And you saw some of these messages. The message I
22 just referred to you about "Hit that snitch," trying to kill
23 Enrique was a message sent to that system. You heard about
24 that system being used over and over again and we went through
25 many of those intercepts now in evidence for you to take a

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6901

1 look at.

2 Something else that came over that office system was
3 a reference to fish flour. Very random detail but Lucero
4 Sanchez and Damaso Lopez talk about this initiative that the
5 defendant had to use fish flour as a method to transport
6 cocaine. Another example, and you actually saw the
7 intercepts, of the fish flour that were put into evidence.

8 Another example is the blue helicopter. You saw the
9 picture of the blue helicopter numerous times. You heard
10 multiple people testify that Jorge Cifuentes gifted that blue
11 helicopter to the defendant. You heard multiple times the
12 story about what happened to that blue helicopter. The pilot
13 had a tendency of flying that helicopter into and out of the
14 warehouse. And one day, a gust of wind or air pocket caused
15 the helicopter to crash inside of that warehouse.

16 You heard who owned the property where that
17 warehouse was located. Laura's a widow of a Robochivas. You
18 heard the story of what happened to Robochivas. You heard
19 this from multiple witnesses. You also heard the random fact
20 that the property used to used as an ostrich or emu farm.
21 Think about the different witnesses that you heard that from.
22 You heard that from Vicente Zambada, Jorge Cifuentes, Damaso
23 Lopez, and others. Those small little details that show you
24 that these examples gave you the ring of truth.

25 Another fact that you heard about through Vic

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6902

1 Vasquez who talked to you about the capture operation. When
2 he told you they were looking for the defendant, Nariz told
3 them he's after three. You heard about what the three was
4 from multiple witnesses. You heard about it from Memin and
5 you heard about it from Damaso. And they told you that the
6 three was a clandestine airstrip. And you saw in the letters
7 the defendant sent to Damaso Lopez from jail, the reference to
8 the three. And following what's called an amparo or a legal
9 appeal to get that property back from the Government.

10 Ladies and gentlemen, if you look at each one of
11 these cooperating witnesses, the 14 witnesses that have
12 testified in isolation, yeah, you can poke holes in them.
13 When you look at them together, at the corroboration between
14 them, you will see how the stories match up.

15 Defense counsel wants you to not look at these
16 corroborating elements. That's because they don't want to you
17 consider the forest for the trees. They want you to look at
18 each individual tree. But if you take a step back and look at
19 the forest of what you've heard about during this trial,
20 ladies and gentlemen, the conclusion is inescapable. If you
21 look at the cooperating witnesses in total, you'll be left
22 with the conclusion, simply put, that this defendant not only
23 took part but managed the cartel activity of trafficking huge
24 quantities of drugs into the United States and did whatever he
25 could in order to accomplish this -- corruption, murder,

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6903

1 violence, money laundering you name it.

2 Now, defense argued there are many things the
3 Government could have done. Today you heard where are the
4 guns? Apparently, it's not good enough to have photos of the
5 defendant holding guns -- AK-47s, there is a gold AK-47, there
6 is a black AK-47. There is a photo of gun with the
7 defendant's initials on it. Now, you need the physical guns.
8 We can have AK-47s in the courtroom that were seized here in
9 the United States, but they wanted the actual guns.

10 Ladies and gentlemen, there's always going to be
11 something else, the guns were here. Where is the ballistic
12 evidence? Okay we have ballistics. No, now we need
13 fingerprints. Okay, we did the fingerprint test. No where is
14 the DNA test? There's always going to be something, and it's
15 an effort to distract you from the actual evidence in this
16 case.

17 The Government is not on trial here, the defendant
18 is. Don't let them distract you from that fact. The defense
19 brought up on multiple times that there are no autopsy
20 reports. Where are the bodies? We didn't see a single
21 autopsy report. How do we know these were what happened.

22 First of all, ladies and gentlemen, you heard from
23 Special Agent Hanratty. He told you that in his experience of
24 requesting records from Mexico it was over 20 times he
25 attempted to get property records, property records, not

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6904

1 autopsy reports, not anything else, property records. Over 20
2 times he could not get them once.

3 And let me remind you about something that
4 Ms. Goldbarg talked to you about yesterday and I expect the
5 judge will instruct you on this as well.

6 In order to find the defendant guilty of Violation
7 27, the murder conspiracy, the Government does not need to
8 prove the defendant actually killed anyone. It is simply the
9 agreement. So, for example, putting aside all the murders
10 that you heard testimony of this defendant ordering, take that
11 one text message that I referenced before where Damaso Chapo
12 were talking about killing Cesar Gastelum, "Hit that snitch."
13 That's an agreement to kill Cesar Gastelum. Check.

14 You heard mountains of evidence of agreements that
15 this defendant was involved in. Rodolfo Carrillo. You heard
16 about Juancho. You heard about so many murders. It's just
17 the agreement. You don't need to have dead bodies.

18 Now, one person's name has come up quite a lot today
19 and that's Mayo Zambada. And I just want to remind you,
20 ladies and gentlemen, that this is a trial of Chapo Guzman,
21 not Mayo Zambada. And defense wants you to believe that if
22 Mayo was the leader of the Sinaloa Cartel his client gets off
23 and that's not how this works.

24 We don't have to prove, and Ms. Goldbarg told you
25 this yesterday, we don't have to prove the defendant was the

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6905

1 ultimate leader. We don't even have to prove that he was one
2 of the top leaders. But, ladies and gentlemen, think back to
3 the evidence in this case. Time and time again, you heard
4 about the partnership, the 50/50 partnership, between the
5 defendant and Mayo Zambada.

6 You heard about that meeting at Barbarino's ranch
7 right after the defendant escaped in 2001. And you heard
8 about how Mayo and Chapo met and they discussed how, moving
9 forward, anything that Mayo received, 50 percent was for
10 Chapo; and anything that Chapo received, 50 percent was for
11 Mayo. This is emblematic of the relationship these two had
12 had over the years. Mayo supported Chapo in the war with the
13 Arellano Felixes. Mayo supported Chapo while Chapo was in
14 jail. Mayo helped Chapo's brother Pollo out. He help Chapo's
15 cousins, the Beltran Leyvas out. They even continued
16 trafficking for the defendant while he was incarcerated.

17 And then they cemented this 50/50 relationship in
18 2001 when the defendant escaped. And you heard about that
19 through Rey Zambada, Vicente Zambada, Damaso Lopez and almost
20 every witness who testified about the Sinaloa Cartel and who
21 the leadership was told you Chapo and Mayo were co-leaders of
22 the Sinaloa Cartel.

23 This emphasis on Mayo Zambada being the leader and
24 this whole conspiracy that he has set up Chapo Guzman, again,
25 we have the burden of proof here, there is no evidence to

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6906

1 support that. What you have heard time and time again from
2 the cooperating witnesses is that Chapo Guzman was running the
3 Sinaloa Cartel.

4 What you heard in the letters that the defendant
5 sent to Damaso Lopez was that Chapo, even behind bars, was
6 still running the Sinaloa Cartel. Think about that. He is in
7 jail in 2014 and he's ordering guns, RPGs, kilograms of
8 cocaine that he explicitly writes in the letters. He is
9 ordering his most trusted associate to go collect it for them.
10 He is making plans: The five of you, my sons and you, you
11 guys are going to split the proceeds of the local drug
12 trafficking. That's what the evidence points to.

13 And look at the calls, the calls support this as
14 well. He even have interrogation video showing you have two
15 interrogation videos one showing the defendant interrogating
16 an enemy of his. Another one of his workers, Javi, is
17 interrogating a Beltran Leyva member on his orders. That's
18 what the evidence shows you.

19 And think about the partnership between them. They
20 wouldn't even commit murders without conferring with one
21 another. When Rodolfo Carrillo 's murder was ordered by Chapo,
22 he actually talked to Mayo about it beforehand. He said, I'm
23 going to go ahead with this, are you okay with this because
24 you have a good relationship with the Carrillo Fuenteses.
25 Sure, let me know what help you need.

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1 Remember the testimony you heard about Bravo. Chapo
2 is in jail and orders the murder of Bravo, his sicario who has
3 been trusted, and he thinks that Bravo set him up and so he
4 sends word through Damaso to tell Mayo, kill Bravo. He is
5 conferring with Mayo, his partner, the co-leader of the
6 Sinaloa Cartel.

7 Take a step further. Do you remember the other
8 murder that Damaso told you about while Chapo was in jail.
9 Damaso told you that not only did Chapo ask Mayo to kill
10 Bravo, but it went the other way around. Mayo asked Damaso to
11 talk to Chapo and get Chapo's permission to kill Barbarino.
12 Think about that. Let me just say that again. Mayo asked the
13 defendant for permission to kill someone. Co-leaders of the
14 Sinaloa Cartel. Not a myth. Not a mere myth that we keep
15 hearing about this inflated presence. This is reality.

16 You also went back to the interrogation video of
17 Juancho. Javi is asking questions and Juancho is answering
18 them on camera. One of the things that Javi says, Chapo and
19 Mayo, the Beltran Leyvas are fighting Chapo and Mayo. That
20 video was made in 2011, well before the defendant was arrested
21 and escaped and arrested again and extradited to the
22 United States. And even on that video, the Beltran Leyva
23 sicario says, "Chapo and Mayo." Again, co-leaders of the
24 Sinaloa Cartel. And defense wants you to think there's been
25 no effort to try to capture Mayo, he's just untouchable

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1 putting aside the fact that the brother and three of his sons
2 have been arrested and sent to the United States. Two of his
3 sons have been sent to the United States, one is still pending
4 extradition.

5 But they discount the testimony that you heard from
6 Vic Vasquez. When they went out to start that catch
7 operation, who was their target? Not the defendant. Mayo.
8 They had over a hundred marines, Mexican Marines, they were
9 sent out on blackhawks to a location where they thought Mayo
10 was two and they spent two days hunting for him. Two days,
11 over a hundred people. That's not ignoring Mayo Zambada.
12 That's trying to capture him.

13 So, ladies and gentlemen, the point I want to saying
14 is I submit that the evidence shows a ten fold that the
15 defendant was a co-leader of the Sinaloa Cartel with Mayo
16 Zambada. But even going on the defense's theory that Mayo was
17 the ultimate leader, and I'm not sure what their theory with
18 respect to what the defendant is. Mayo is the leader of the
19 Sinaloa Cartel. Even under that theory, the defendant is
20 still guilty. He is still a boss; he is still guilty.

21 Now, there has been a lot of discussion about money
22 and resources. And there were, I think, today mentions of
23 what type of television the defendant had and wooden beds.
24 And you've heard a lot of testimony about people who would
25 actually meet with the defendant in the mountains when he was

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1 hiding and they would have these sort of enclaves with these
2 huts where people would be received and they would have
3 meetings and plan their drug loads.

4 And there's been a lot of discussion about whether
5 or not there were mansions up in the mountains and, you know,
6 he's living in a little huts. Ladies and gentlemen, you
7 didn't check your common sense at the door. They're not going
8 to bring construction crews up into the mountains outside of
9 Culiacan and build mansions. Number one, that's going to
10 attract a ton of attention. And number two, you heard story
11 after story of the defendant trying to evade law enforcement.
12 You can't just pick up and leave your mansion and go to
13 another mansion. That's not practical.

14 You heard time and time again the number of
15 resources and the amount, the indicia of wealth that this
16 defendant had starting are back with Miguel's testimony about
17 their travel around the world. About the yachts. One of them
18 was named after him. It was called Chapito. You heard about
19 a personal zoo that he had. You saw pictures of houses. Some
20 of them came with pools and slides. Call it a mansion.

21 You heard about the money that was being spent on
22 things like submarines for a million dollars each. You heard
23 about multiple submarine loads. You heard about the fleet of
24 airplanes and jets that were available to the defendant
25 including carbon fiber planes that we discussed beforehand.

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1 There was payroll for the hundreds of employees that reported
2 to the defendant.

3 You also heard about the extensive communication
4 system that this defendant had whether it be the private
5 server that Cristian Rodriguez set up for him, the antenna
6 towers, the radios. All of those different things cost money.

7 You heard about the armored cars, again, they cost a
8 lot of money. And you also saw firsthand what the defendant
9 liked to invest his money in -- tunnels. Escape tunnels.
10 Tunnels to traffic drugs and these were elaborate tunnels.
11 Think about the infrastructure. Think about the engineering
12 that goes into to making these tunnels. You saw the one that
13 came up right into his jail cell in Altiplano. You saw the
14 video of the one that had the hydraulic lifts under the pool
15 table. You saw the hydraulic lifts on the bathroom, the bath
16 tub, that lifted up. All of that cost a lot of money. All of
17 that -- those are all items that only a leader of the
18 Sinaloa Cartel would have. Think about that.

19 And has been said about where is the money now?
20 Ladies and gentlemen, you heard from numerous witnesses that
21 it was common for members of the cartel to hide their money.
22 They would put them in bank accounts in different names, they
23 would hide their assets. They would buy properties in other
24 people's name all for one purpose -- so the Government could
25 not touch their money. And we know that's what was so

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1 important to them. You heard testimony from cooperating
2 witnesses that the goal of the cartel was to make money. And
3 when they made that money, they tried to hide it from the
4 Government.

5 Now, there was some discussion today, a lot of
6 discussion about Jorge and Alex Cifuentes and the call that
7 happened between the two of them. And there was some
8 discussion about why, why didn't we get to hear this call
9 between two cooperating witnesses.

10 Ladies and gentlemen, you've heard calls between two
11 cooperating witnesses and I would point to you to the call
12 that occurred between Pedro Flores, the defendant, and Alex
13 Cifuentes. And if you recall, when Pedro Flores testified
14 about that phone call or setting up the drug deal with the
15 Government, he was asked who is that third voice on the call.
16 We know it's Alex Cifuentes. And Pedro Flores said, I don't
17 know. I don't know who that is. And the same question was
18 posed to Alex Cifuentes. He listened to the call because
19 that's the defendant and that's me, but I don't know who that
20 third voice is.

21 If this was so well scripted out, ladies and
22 gentlemen, you heard all the prep sessions and how witnesses
23 were supposedly reading scripts up on the stand. Why didn't
24 they recognize the other voices on that call. Why didn't
25 Pedro Flores recognize Alex Cifuentes. And why didn't Alex

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1 Cifuentes recognize Pedro Flores?

2 And more importantly, ladies and gentlemen, you had
3 two other cooperating witnesses who had no stake in that
4 business transaction, no stake in that drug deal. Vicente
5 Zambada and Damaso Lopez testified that they recognized all
6 three voices on that call independently.

7 (Continued on the next page.)

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Rebuttal - Ms. Liskamm

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1 MS. LISKAMM: They said they recognized Pedro
2 Flores, the defendant, and Alex Cifuentes. Think about that.
3 What does that tell you? Does that give you -- does that give
4 you the ring of truth?

5 Now, ladies and gentlemen, today, defense at one
6 point said -- and I wrote it down -- *Justice is a game here.*
7 Well, ladies and gentlemen, I submit to you the defense has
8 been playing games with you about what has and has not been
9 presented to you. Time and time again, you saw the defense
10 attorneys ask questions of the cooperating witnesses about
11 their plea agreements, and if you recall, they'd read maybe
12 two sentences of a paragraph in and ask the cooperating
13 witnesses some questions about it. And time and time again,
14 the prosecutors would get up say: *All right. You were asked*
15 *about the first two sentences of this paragraph. Let's read*
16 *the whole paragraph,* and you get a much further in-depth
17 explanation of what was going on. This happened multiple
18 times.

19 You were also told a lot of things about the
20 testimony this morning about the testimony that came in at
21 trial and your recollections are what controls, ladies and
22 gentlemen, but I would suggest that there's been some facts
23 that were presented to you that were not what were in the
24 transcripts. And, again, I ask you to go back to your
25 recollections about what actually was said.

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1 For example, today, defense counsel told you that
2 during the war with the Beltran Leyvas, and I actually don't
3 even recall who the witness was he was attributing this to,
4 but that it was the Beltran Leyvas -- excuse me, Chapo and
5 Mayo were at war with the Beltran Leyvas and the Cifuentes
6 Villas, okay? I don't know where this came from --

7 MR. LICHTMAN: Objection.

8 THE COURT: There may be a misunderstanding. The
9 jury's recollection of the arguments will control.

10 MS. LISKAMM: And, ladies and gentlemen, I suggest
11 that if you go back to the transcripts, you will see that time
12 and time again and witness after witness told you nothing
13 about the Cifuentes Villas being involved in the war with the
14 Beltran Leyvas. They talked about the Carrillo Fuenteses and
15 the Zetas being involved in the war with the Beltran Leyvas,
16 so just remember that.

17 Also, there were questions about -- multiple
18 questions about whether or not Jorge could identify a photo of
19 Mayo Zambada. He knew Mayo Zambada really well, Mayo Zambada
20 had killed his business partner, and Jorge couldn't even
21 identify a photo of Mayo Zambada.

22 Ladies and gentlemen, think back to whether or not
23 Jorge was even presented with the photo of Mayo Zambada.
24 Think back also to the testimony that you heard that
25 corroborated Jorge about his relationship with Mayo Zambada.

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1 You heard testimony from Vicente Zambada who told you his dad
2 was friends since before Vicente can remember with the
3 Cifuentes family. He knew Jorge from growing up. He knew
4 that his dad had killed Jorge's business partner Robachivas,
5 so just remember that.

6 And lastly, with respect to this point, there was
7 some entries in a ledger that there was testimony about
8 through either Chupeta or German about the term "Mono Cha" and
9 what that meant. Again, your recollection controls, but I
10 would submit that the testimony was not that Mono Cha was one
11 person, but it was two people; that Mono was someone who
12 worked for the defendant -- I believe delivered money for him
13 -- and that Cha -- and this was testified to repeatedly -- was
14 a reference to Chapo Guzman, the defendant.

15 Now, I want to talk a little bit about something
16 that defense didn't really discuss in great detail in their
17 closing, but that's the letters. The letters that the
18 defendant sent to Damaso from jail. Again, letters in the
19 defendant's own handwriting giving instructions to carry on
20 activities for the cartel, and you have both those letters and
21 the transcripts, as well as the letter about Lucero Sanchez
22 received in evidence. I would ask you to take a look at those
23 letters. Look at the handwriting on those letters, but more
24 importantly, look at the paper, the stationery that those
25 letters are on, and if you look at the top of those letters,

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1 you will see that they are on the same paper. They came from
2 the same source.

3 Take a look at the handwriting, and just really
4 briefly -- if I can just get the ELMO for a second.

5 So ladies and gentlemen, the letter on the left here
6 is in evidence as one of the letters that Damaso Lopez
7 received from the defendant in jail, and the letter on the
8 right is in evidence as a letter that was -- the defendant
9 sent out from jail here, and if you can see, we just picked a
10 couple examples of the comparison between the handwriting.

11 Again, this is the letter that Damaso received, and
12 this is the letter the defendant sent from jail, and look at
13 the comparison in the handwriting.

14 And lastly, ladies and gentlemen, look at the
15 signature, again letter to Damaso on the left and the letter
16 from the defendant in jail on the right. Look at the J, this
17 is a G that looks like a Y, L. Same thing here: J, G that
18 looks like a Y, L.

19 Ladies and gentlemen, I would suggest that you,
20 yourself, can look at the letters and make your own
21 determination about where these letters came from and who
22 wrote them, but putting that aside, you also had an expert who
23 went through those letters with you and explained to you that
24 it was almost virtual certainty that the letters were a match
25 and defense -- you heard the questions that were asked of the

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1 handwriting expert and you heard the statements that have been
2 made about their testimony, and not just that expert, you also
3 heard it with the cryptologist and the questions that were
4 posed to the cryptologist, and defense wants it sort of both
5 ways. On the one hand, these experts' opinions are nothing,
6 they're phony, it's made up science, you don't know what
7 you're talking about. And on the other, when it gets to the
8 voice calls, oh, there's no expert on the voice calls. Where
9 is the expert telling you it's the same voice call? They
10 can't have it both ways, ladies and gentlemen.

11 But let's go into the calls. Those are calls that
12 you heard from the person who set up the IT system, Christian
13 Rodriguez, and you heard how he set up that system for the
14 defendant, he came up into the mountains; that Alex Cifuentes
15 brought him there. You heard multiple witnesses confirm that
16 story and how he set up this private server for the defendant.

17 You heard from multiple cooperating witness who
18 identified the voices on those calls, witnesses who knew the
19 defendant best: Vicente Zambada, Damaso Lopez, Alex
20 Cifuentes, Memin. These were his closest associates and
21 confidants. Those were people who know his voice and they
22 told you, time and time again, that was the defendant on the
23 call.

24 They also identified the other people on the call
25 that they didn't know, and if you look on the sheets -- if you

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1 recall, they made notes on sheets and we put those into
2 evidence -- there were many calls that they didn't know who
3 the voice was. They could have made something up: *Oh, I know*
4 *this is Mayo Zambada*, whatever they wanted to say. You will
5 see it on there, they wrote: *Don't know*.

6 Now, you also recall that Christian Rodriguez
7 testified that all the people that were intercepted over the
8 calls -- Cholo Ivan; Mayo Nunez, also known as M-10; Virgo,
9 also known as Juancho; Juano, who is the defendant's
10 brother -- all those people, Christian Rodriguez had know idea
11 who those people were, yet he testified about setting up that
12 server and the calls that came through.

13 Now, something else that can help inform your
14 decision about those calls and confirm that they are, in fact,
15 the defendant's calls through his server tied into that
16 interrogation video that you have seen time and time again.
17 You were just shown it again, and it was suggested that that
18 was not the defendant in the video but actually Mayo Zambada
19 because he was wearing a black baseball hat. This is yet
20 another distraction of the evidence that you have before you.
21 I want to just very briefly go through that.

22 How do you know that that's the defendant on the
23 video interrogating the Beltran Leyva enemy? If you recall,
24 that same interrogation video was captured over the line in
25 one of those intercepted calls, and you had Special Agent

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1 Marston walk you through how the intercepted call matched the
2 interrogation video -- they are all, like, simultaneous -- and
3 it wasn't just captured over his system, it was actually
4 captured on one of his lines. If you recall those extensions,
5 we had a chart of which extension matched which person. It
6 was one of the defendant's extensions, Extension 185, an
7 extension that you heard calls from. And actually just a week
8 before that interrogation, you heard the defendant on that
9 same extension talking to someone named Don Proceso, and he
10 was talking to him about crossing drugs by helicopter from the
11 U.S. to Canada.

12 So how do you know it's the defendant's
13 communication system and his voice is on the call? In
14 addition to the numerous cooperating witnesses who testified
15 about that, you also heard from -- you also know from the
16 phonebook that that was the defendant's server. You saw all
17 the names in that phonebook. You saw Mayo listed as Procina,
18 which, again, if this was Mayo's system, why would he list
19 himself in that phonebook? You saw the defendant's children
20 listed in it -- Guero, Menor, Tocayo -- you heard time and
21 time again that those were nicknames for the defendant's sons.
22 You also know that this was one of the houses where that
23 phonebook was found where the defendant fled from. You heard
24 testimony from Lucero about that escape, and you saw the
25 defendant's text messages between himself and his wife where

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1 he recounts his escape from that Los Cabos house. He also,
2 over the text messages, is talking about his daughters by
3 name, their date of birth. This is not Mayo sending these
4 messages. Again, it's the defendant and his wife discussing
5 their kids.

6 Ladies and gentlemen, use your common sense here.
7 The video quality is not the best, but you can clearly see
8 that it's the defendant in that video. You can see his face
9 and you can hear his distinctive voice. That same voice that
10 you have heard time and time again throughout this trial.
11 It's been characterized as being a little bit nasally, a
12 little bit singsongy, but you know that voice and that's the
13 voice that you heard over the video.

14 Ask yourself: What are the odds that the person
15 conducting the videotaped interrogation who looks like the
16 defendant, sounds like the defendant, was captured on the
17 defendant's encrypted system using the defendant's phone
18 number is not the defendant? What are the odds of the person
19 conducting this interrogation who, again, looks like the
20 defendant, sounds like the defendant, was on this encrypted
21 system over an extension he used is not the defendant himself?
22 You didn't check your common sense at the door, ladies and
23 gentlemen. You know the answer to that question. You know
24 that it's the defendant, you know that it's his voice, the
25 same voice that you heard time and time again over the system

1 over those calls.

2 Now, this is an important point for you to note.
3 Those calls where you hear the defendant discussing violence
4 and drug deals and a whole host of things connected to the
5 Sinaloa Cartel, those calls are not dependent on any
6 cooperating witness. Sure, the cooperating witnesses assist
7 in identifying the voice for you and confirming that it's him,
8 but those calls, as we just walked through and you heard
9 Special Agent Marston walk through with you in greater detail
10 than we just did, show we depend on the cooperating witnesses
11 that this is the defendant, the defendant running his
12 Sinaloa Cartel.

13 Now, the defense is trying to argue that the voice
14 in the Rolling Stone video doesn't sound like the voice that
15 you heard on some of those calls, and that's something that
16 Major Flores addressed on cross-examination. He was asked
17 point-blank, video was played for him, he identified some
18 calls. *Is this the same voice to you? Does this sound like*
19 *the same voice to you?* He said, *You know what, not really.*
20 *It sounds similar.* But think about that, use your common
21 sense. Does everyone sound the same day in and day out?
22 You've heard people in this courtroom talk for months. You've
23 heard different tones in their voices, when they get tired,
24 when they need water, when they get animated and excited about
25 something, or when they are talking about something that's

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1 really boring. They use reflections in their voices, they can
2 talk slower, softer, or they can get really worked up if they
3 are talking about a war and sending somebody in to go kill
4 somebody else.

5 When Pedro Flores was asked about those voices, he
6 said, *Yeah, they don't sound similar*, but he still was sure
7 that that was the defendant in the Rolling Stone video and
8 that was the defendant on the calls.

9 Now, ladies and gentlemen -- I'm almost done here --
10 I just want to wrap up by saying that in order to believe the
11 defense arguments in this case, you have to believe that the
12 defendant is the unluckiest man in the world. You have to
13 believe that the defendant -- excuse me -- that the 14
14 cooperating witnesses -- and let me repeat that, 14
15 cooperating witnesses -- from all different time periods of
16 the Sinaloa Cartel -- we're talking '80s, '90s, 2000s,
17 2010s -- all got together and came up with this story. These
18 people who you heard repeatedly haven't seen each other for
19 over a decade, some of them have been in custody for over a
20 decade, some of them got arrested this past year, some aren't
21 even in custody, some of them have never met before, they all
22 got together and came up with this story, this story that the
23 defendant was the co-leader of the Sinaloa Cartel, the story
24 that there's wars, war after war -- with the Arellano Felixes,
25 the Carrillo Fuenteses, the Beltran Leyvas -- they all got

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1 together and pinned that guy.

2 You have to believe that the FBI worked with
3 Christian Rodriguez to make up these phone calls that identify
4 one person as being in charge, and that's the defendant. You
5 have to believe that the interrogation video was either
6 completely altered, or because of the black cat, it must be
7 Mayo Zambada. You have to believe that those letters that the
8 defendant sent from jail were completely manufactured. Two
9 sets of letters, mind you, from Damaso and Lucero. You have
10 to think that the interrogation video of Juacho where he
11 identifies Chapo and Mayo as the leaders of the cartels was
12 completely made up. All these people came together to frame
13 the defendant. You have to then conclude that all of these
14 witnesses, these 14 cooperating witnesses, pled guilty to drug
15 crimes that carry life sentences, to which have been sentenced
16 for life, and then came in here and lied to you, every one of
17 them. You would have to conclude that every one of them was
18 risking their cooperation agreements, and effectively ensuring
19 that they are going to get life sentences.

20 Ladies and gentlemen, you would have to ignore the
21 evidence that's been presented over the past several months at
22 trial, the testimony of the cooperating witnesses, the videos,
23 the ledgers, which I haven't even talked about, the calls, the
24 letters. It goes on and on. Ladies and gentlemen, defense is
25 pointing fingers everywhere but where the evidence points --

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1 at the defendant.

2 This is a distraction, a distraction from the hard
3 evidence that's been presented to you in this case. The
4 evidence that points to one and only one conclusion, and that
5 is that that defendant is guilty. And ladies and gentlemen,
6 we ask that you return the only verdict that is consistent
7 with this evidence, and that is a verdict of guilty on each
8 and every charge.

9 Thank you.

10 THE COURT: Thank you, Ms. Liskamm.

11 All right. Ladies and gentlemen, here's what's
12 going to happen now. I think for the last time I'm going to
13 give you -- probably for the last time -- admonitions that I
14 have been giving you. When you come back on Monday, I will
15 give you the instructions under the law and you will, in fact,
16 commence deliberations, so pay attention to what may be the
17 last time you hear to stay away from media coverage, do not
18 discuss this case with anyone, do not post anything on social
19 media about it, do not do any research on the Internet of
20 things that might interest you, and get a lot of rest, because
21 you will have hard work next week.

22 Have a good weekend. See you on Monday at 9:30.

23 (Jury exits.)

24 THE COURT: Okay. Anything else we need to talk
25 about?

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1 MS. PARLOVECCHIO: Just briefly, your Honor.

2 THE COURT: Have a seat.

3 MS. PARLOVECCHIO: During Mr. Lichtman's summation,
4 there were a few issues that arose, we objected to some of
5 them, but he re-raised some issues that we had raised concerns
6 about during trial.

7 THE COURT: But then you did rebuttal, and a lot of
8 the things you are going to say, I might well have said he
9 invited response, but you went right into rebuttal instead of
10 saying what you are about to say after his closing.

11 MS. PARLOVECCHIO: Well, your Honor, we were going
12 to ask for some charges to be given included in the jury
13 charge.

14 THE COURT: Let's hear those.

15 MS. PARLOVECCHIO: Okay. So the first one your
16 Honor had actually mentioned during trial which was an
17 instruction on the fact that the Government has met its
18 discovery obligations. Your Honor gave the instruction during
19 trial, and I believe -- and we could pull up the site -- but I
20 believe you said you would consider giving it in the ultimate
21 jury charge. And again during Mr. Lichtman's summation today,
22 there were some comments made, I think it was in regard to the
23 letter concerning German Rosero that he sent to the Department
24 of Justice, as well as the MDC phone calls. He suggested that
25 we suppressed that information. For that reason, we would

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1 request that the Court give the instruction in the ultimate
2 jury instructions that you will give on Monday that the
3 Government has met its discovery obligations. We actually
4 included one in our requested charge, so your Honor already
5 has our suggested language.

6 THE COURT: Okay. I'm not saying I will give it,
7 but I understand the request. I will hear from the defense in
8 a minute, but I have a plan to resolve this, so go ahead.
9 What's next?

10 MS. PARLOVECCHIO: As well as the discovery
11 obligations instruction, we would also request an instruction
12 regarding jury nullification which was an argument that was
13 woven throughout Mr. Lichtman's summation, and so we would
14 request an instruction on that as well.

15 THE COURT: That one you are going to have to
16 persuade me he did. He asked the jury to acquit
17 notwithstanding technical guilt. That's my understanding of
18 juror nullification.

19 MS. PARLOVECCHIO: Well, your Honor, there were
20 multiple comments about: *How would you like to be treated if*
21 *this were you?* And, you know, basically asserting that the
22 Government has taken a different position with regard to this
23 defendant.

24 THE COURT: I'm not sure I would call that juror
25 nullification. Maybe it is. Maybe it's something that should

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1 have been addressed in rebuttal. Maybe it's something that
2 should have been objected to before rebuttal so I could give
3 the jury instruction then. What do you want to do about it
4 now?

5 MS. PARLOVECCHIO: Respectfully, your Honor, we did
6 object to it, and we would request -- if your Honor would
7 consider a submission from us on a suggested charge since we
8 do have the Friday in between for it to be considered.

9 THE COURT: It's about time that we put in some work
10 on the weekends on this case.

11 What else?

12 MS. PARLOVECCHIO: Finally, your Honor, just an
13 instruction in regard to the Government not being on trial.
14 Certainly, that was -- we did respond in rebuttal, but, you
15 know, the thrust of that entire summation was that the
16 Government has acted improperly here.

17 THE COURT: The Second Circuit has approved the
18 "Government is not on trial" language in several cases. I did
19 give an instruction saying that the Government's motivation
20 was not an issue, but that the jury had to evaluate the
21 credibility of the cooperating witnesses. Is that the last
22 one you want?

23 MS. PARLOVECCHIO: One more, your Honor.

24 THE COURT: Go ahead.

25 MS. PARLOVECCHIO: So we had addressed this at the

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1 charging conference, the selective prosecution issue, which,
2 again, we had a sidebar on it. We would submit that the
3 defense crossed the line towards the end of the summation,
4 and, again, we are happy to point out that specific instance
5 to the Court, and if the Court would consider an instruction
6 on that as well.

7 THE COURT: Okay.

8 I could hear from the defense on each one of those,
9 but what I'm more inclined to do is to get the usual weekend
10 letter from the Government and give the Defense A chance to
11 respond to it and then I will decide it over the weekend.

12 MR. LICHTMAN: Judge, of course, and as long as we
13 can get the Government's letter at 11:59 tonight, it will be
14 all right.

15 THE COURT: No, you are not going to get it at 11:59
16 tonight, but I will direct that it be filed by noon tonight.
17 Defendant's response by 6:00 p.m. Saturday night.

18 MR. LICHTMAN: Thank you.

19 MS. PARLOVECCHIO: Thank you, your Honor.

20 THE COURT: You know, if you want to cite me to the
21 transcript where you think he crossed the line, let me know.
22 My view of my ruling on the "putting the Government on trial"
23 issue was that there's no impropriety in suggesting that Mayo
24 Zambada corrupted the Mexican Government. I don't have any
25 problem with that. If you think at some point he said: *And*

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1 *the U.S. Government knows this, the U.S. Government knows that*
2 *the cooperators cannot be trusted and they put them on the*
3 *stand anyway, that would be over the line, I would like to see*
4 *that in the transcript. I don't recall it going that far.*

5 (Continued on the following page.)

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1 THE COURT (CONTINUED): But I think those are the
2 two holds permission and impermissible.

3 MS. PARLOVECCHIO: Yes, your Honor. We'll point
4 out instances in the transcript in our submission.

5 THE COURT: All right. That is the schedule. I
6 will sign it over the weekend, and then I will probably
7 email you a final set -- well, a final-final set of the
8 instructions maybe with an order explaining why I am
9 accepting one side's position and not the other one's.

10 Anything else?

11 MR. PURPURA: Your Honor, if I may?

12 THE COURT: Go ahead.

13 MR. PURPURA: Twice in the Government's opening
14 close and rebuttal close pursuant to 848(e), we already
15 filed a motion. The Court ruled against us on that. It's
16 our position if you're charged, that that's what you have to
17 prove. I don't believe we objected to that in the jury
18 conference that we had. So I just wanted to let the Court
19 know in advance that if the Court does give us instructions
20 on that issue, we will just fluffen up the objection maybe
21 before trial.

22 THE COURT: For whatever that is worth, you can
23 have it. It is on the record.

24 MR. PURPURA: Thank you.

25 THE COURT: Okay. Anything else?

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1 MS. PARLOVECCHIO: Nothing further from the
2 Government, your Honor.

3 THE COURT: Okay.

4 To the lawyers, thank you all for the hard and
5 excellent work on behalf of your clients, and we will see
6 where the jury does next week.

7 MR. PURPURA: Thank you.

8 MR. BALARAZO: Thank you, your Honor.

9 MS. PARLOVECCHIO: Thank you, your Honor.

10 THE COURT: Okay. Have a good weekend.

11 (Matter adjourned until 9:30 a.m., Monday,
12 February 4, 2019.)

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